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AUTHOR Cobb, Brian; Halloran, William; Simon, Marlene; Norman, Michael; Bourexis, Patricia

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ABSTRACT

This handbook provides guidance to schools operating Community-based Vocational Education (CBVE) programs for students with disabilities and encourages the adoption of CBVE programs by schools not presently using this approach. By following the information and examples contained in this handbook, schools can proceed with confidence to operate effective CBVE programs consistent with the Fair Labor Standards Act (FLSA) administered through the U.S. Department of Labor. Section 1 introduces events and actions leading to the development of CBVE and guidelines promoting this approach consistent with the FLSA. Section 2 presents answers to frequently asked questions by school personnel in carrying out CBVE programs. Section 3 describes the CBVE experiences of 8 students with disabilities between the ages of 14 and 21. Sample forms, agreements, and supporting documentation required under the Individuals with Disabilities Education Act and FLSA are included in these examples whenever possible. Appendices to the handbook provide additional resource information, including: regional offices and personnel of the U.S. Department of Labor Wage and Hour Division providing assistance with FLSA requirements; organizations involved in planning and delivering transition services to students with disabilities; and information on Supplemental Security Income Work Incentives available to transition-age students with disabilities. (CR)

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Handbook for Implementing Community-based Vocational Education Programs According to the Fair Labor Standards Act

Second Edition

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Handbook for Implementing Community-based Vocational Education Programs According to the Fair Labor Standards Act

Second Edition

November 1999

Brian Cobb
National Transition Network

William Halloran and Marlene Simon
U.S. Department of Education

Michael Norman and Patricia Bourexis
The Study Group, Inc.

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The National Transition Network
Institute on Community Integration (UAP)
University of Minnesota
103 U-Tech Center
1313 Fifth Street S.E.
Minneapolis, MN 55414
(612) 627-4008 (Voice)
(612) 627-1998 (FAX)

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NTN provides technical assistance and evaluation services to states implementing five-year systems change project on transition for youth with disabilities from school to work and community living. For further information about NTN, please contact:

David R. Johnson, Ph.D.
Director
Institute on Community Integration (UAP)
University of Minnesota
102 Pattee Hall, 150 Pillsbury Drive S.E.
Minneapolis, MN 55455
(612) 624-6300
Fax: (612) 624-8279

Ellen J. Emanuel, Ph.D.
Associate Director
National Transition Network
Institute on Community Integration (UAP)
University of Minnesota
103 U-Tech Center
1313 Fifth Street S.E.
Minneapolis, MN 55414
(612) 627-4135
Fax: (612) 627-1998

The Study Group, Inc. is a corporation providing technical services to education, health, and human services organizations. For further information about the Study Group, Inc., please contact:

Michael Norman, Ed.D.
Patricia Bourexis, Ph.D.
209 Sir Walter Raleigh Drive
Kill Devil Hills, NC 27948
(252) 441-2788
Fax: (252) 441-9663

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Introduction

Community-based Vocational Education (CBVE) is an effective approach in delivering vocational education and training to students with disabilities. The CBVE approach provides these services in typical community work settings rather than in conventional school environments. Because CBVE activities take place in work settings, they must comply with the provisions of the Fair Labor Standards Act (FLSA) administered through the U.S. Department of Labor.

The Individuals with Disabilities Education Act Amendments of 1997 and policy guidelines adopted by the U.S. Departments of Labor and Education encourage the operation of CBVE programs. Amendments to IDEA require transition services planning and implementation for students with disabilities; U.S. Departments of Labor and Education guidelines ensure these services can be delivered in community work settings according to the FLSA.

This *Handbook for Implementing Community-based Vocational Education Programs According to the Fair Labor Standards Act* provides guidance to schools operating CBVE programs, and encourages the adoption of CBVE programs by schools not presently using this approach. By following the information and examples contained in this handbook, schools can proceed with confidence to operate effective CBVE programs consistent with the FLSA.

There are three sections in this handbook. Section one introduces the events and actions leading to the development of CBVE and guidelines promoting this approach consistent with the FLSA. Section two presents answers to the questions most frequently asked by school personnel in carrying out CBVE programs consistent with the FLSA. Section three describes the CBVE experiences of eight students between the ages of 14 and 21. Sample forms, agreements, and supporting documentation required under IDEA and FLSA are included in these examples whenever possible.

Appendices to the handbook provide additional resource information including: Regional Offices and personnel of the U.S. Department of Labor Wage and Hour Division providing assistance with FLSA requirements; organizations involved in planning and delivering transition services to students with disabilities; and information on Supplemental Security Income Work Incentives available to transition-age students with disabilities.

Section I

The Goal of Productive Employment for All Students

The CBVE Approach to Productive Employment for Students with Disabilities

- Vocational Exploration
- Vocational Assessment
- Vocational Training
- Cooperative Vocational Education

Requirements of the FLSA Related to CBVE

- The FLSA and CBVE Vocational Exploration, Assessment and Training Components
- The FLSA and CBVE Cooperative Vocational Education Component

The Goal of Productive Employment for All Students

In 1990, the president and the governors adopted six ambitious national education goals. These goals apply to *all* students. They require that all students leave school literate and with the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. Foremost among these rights is productive employment in our modern economy, whether immediately following school experience, or after further postsecondary study.

To assure these rights, preparation for employment must become a focal point of every student's educational program. This is especially true for students with disabilities. Congress underscored this outcome by including transition services requirements in the Individuals with Disabilities Education Act (IDEA) Amendments of 1990, and most recently with the 1997 IDEA Amendments (P.L. 105-17) and the IDEA 1998 final regulations. This action serves as an impetus for schools to intensify their efforts to prepare students with disabilities for productive employment and other postschool adult living objectives. Required transition services are described in IDEA 1997 as:

> *A coordinated set of activities for a student with a disability that is designed within an outcome-oriented process, that promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; is based on the individual student's needs, taking into account the student's preferences and interests; and includes instruction, related services, community experiences, the development of employment and other postschool adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.*

Recent studies reinforce the need to strengthen the connection between education and employment. For example, a national longitudinal transition study of special education students found that enrollment in occupationally oriented vocational programs was significantly related to a lower likelihood of students with disabilities dropping out of school, and that youth who took vocational education during school or had work experience as part of their educational program were more likely to be employed after high school. Research supports the value of a functional skills approach to curriculum and training for students with disabilities. This involves teaching the skills needed to enhance independent adult living in community settings.

Vocational education has long been a preferred vehicle for preparing students with disabilities for productive employment. However, most of these programs in the past relied heavily on simulated work experience in classroom settings. This approach has not led to productive employment in integrated work environments for many students. In fact, the outcome often has been sheltered employment in segregated work settings. The skills acquired through classroom or simulated work experiences do not generalize to typical work settings, and therefore, do not meet the goal of postschool productive employment for students with disabilities. When vocational education and training occur primarily through classroom or simulated settings, students with disabilities do not acquire social skills normally built through interactions with colleagues and coworkers. These skills are critical to long-term employment success.

The CBVE Approach to Productive Employment for Students with Disabilities

Shortcomings in the more traditional vocational education and training approaches have led to the development of community-based vocational education (CBVE). CBVE is a more effective approach to employment preparation for students with disabilities. CBVE delivers vocational education and training to students with disabilities in typical community work settings rather than in conventional school environments. Students aged 14 years or older engage in nonpaid vocational exploration, assessment, and training experiences to identify their career interests, assess their employment skills and training needs, and develop the skills and attitudes necessary for paid employment. After such instruction, students engage in cooperative vocational education experiences for which they are paid.

There are four distinct components to the CBVE approach: vocational exploration, vocational assessment, vocational training, and cooperative vocational education. Students often progress sequentially through all four components. However, some students participate in only one or two components before moving to cooperative vocational education, depending on their instructional needs.

Vocational Exploration

The ***vocational exploration*** component exposes students briefly to a variety of work settings to help them make decisions about future career directions or occupations. The exploration process involves investigating interests, values, beliefs, strengths and weaknesses in relation to the demands and other characteristics of work environments. Through vocational exploration, students gain information by watching work being performed, talking with employees, and actually trying out work under direct supervision of school personnel. Exploration enables students to make choices regarding career or occupational areas they wish to pursue. The student, parents, exploration site employees, and school personnel use this information to develop the student's IEPs for the remainder of the student's special education experience.

Vocational Assessment

The ***vocational assessment*** component helps determine individual training objectives for a student with a disability. In this CBVE component, the student undertakes work assignments in various business settings under the direct supervision of school personnel and employees. Assessment data are systematically collected concerning the student's interests, aptitudes, special needs, learning styles, work habits and behavior, personal and social skills, values and attitudes toward work, and work tolerance. The student rotates among various work settings corresponding to the student's range of employment preferences as situational assessments are completed by school personnel and assessment site employees. As a result, students select work settings in which they can best pursue career or occupational areas matching their interests and aptitudes. Future training objectives are matched with these selections. These training objectives become a part of the student's subsequent IEP.

Vocational Training

The ***vocational training*** component of CBVE places the student in various employment settings for work experiences. The student, parents, and school personnel develop a detailed, written training plan, which includes the competencies to be acquired, method(s) of instruction, and procedures for evaluating the training experience. Training is closely supervised by a representative of the school or a designated employee/supervisor. The purpose of this component is to enable students to develop the competencies and behavior needed to secure paid employment. As the student reaches the training objectives in a particular employment setting, the student moves to other employment environments where additional or related learning, or reinforcement of current competencies and behavior can occur.

Cooperative Vocational Education

Cooperative vocational education consists of an arrangement between the school and an employer in which each contributes to the student's education and employability in designated ways. The student is paid for work performed in the employment setting. The student may receive payment from the employer, from the school's cooperative vocational program, from another employment program operating in the community such as those supported by the Workforce Investment Act, or a combination of these. The student is paid the same wage as nondisabled employees performing the same work. In some instances, arrangements are made by the school and employer through the Department of Labor Wage and Hour Division to pay a lower wage based on comparable performance. (See "The FLSA and the CBVE Cooperative Vocational Education Component" on page 10 of this section of the handbook for a brief description of these FLSA provisions).

The school and employer reach a written agreement *before* the student enters the cooperative vocational education component. This agreement includes a clear stipulation of the student's wages and benefits. This agreement may also include follow-along services to ensure the student adjusts to the work assignments and improves performance and productivity over time. It is likely that students may engage in several cooperative vocational education placements as part of their special education experience during school.

[For students receiving SSI/SSDI cash benefits and participating in paid employment through CBVE—

—the SSI work incentives program allows youth with disabilities in transition to retain their benefits while participating in paid employment, and in some instances, actually increase their monthly income. The Student Earned Income Exclusion (SEIE) can be readily used by students with disabilities engaged in the cooperative vocational education component of CBVE. Other SSI work incentives available to transition-age students with disabilities are: Impairment-Related Work Expenses (IRWE); Plan for Achieving Self-Support (PASS); Blind Work Expenses (BWE); and Property Essential to Self-Support (PESS). To be eligible to participate in the work incentives program, students must first be receiving, or eligible to receive, SSI/SSDI cash benefits. For information on SSI and the work incentives program, contact the Social Security Administration at 1-800-772-1213.

In addition, the following two publications available from the National Transition Network provide information on this topic:

- *Meeting the Needs of Youth with Disabilities: Handbook on Supplemental Security Income Work Incentives and Transition Students (October 1998).*
- *Meeting the Needs of Youth with Disabilities: Examples of Students with Disabilities Accessing SSI Work Incentives (June 1999).*

See Appendix C of this publication for a brief description of the SSI work incentives available to transition-age students. Appendix C also includes an example of a student with a disability who is participating in a cooperative vocational education program through her school, receiving SSI cash benefits and accessing the Student Earned Income Exclusion work incentive.]

Requirements of the FLSA Related to CBVE

Because CBVE activities take place in actual community employment settings, these activities must comply with the provisions of the Fair Labor Standards Act (FLSA). The FLSA is the federal legislation establishing minimum wage, overtime pay, record keeping requirements (i.e., personal employee information, wages, hours), and child labor. Employees are entitled to a regular wage of at least $5.15 (current minimum wage) per hour and overtime pay of at least one and one-half times their regular wage for all hours over forty in a work week. In states with a minimum wage rate higher than the federal, the higher rate applies.

The requirements of the FLSA come into effect ***only in an employment relationship***. Prior to 1992, it was not entirely clear if students participating in work settings for the purposes of vocational training were considered employees under the FLSA. This ambiguity resulted in some schools becoming hesitant to set up or expand CBVE programs lest they and their employer partners appear to violate the FLSA.

Wishing to promote CBVE programs to prepare students with disabilities for productive, paid employment, the U.S. Departments of Labor and Education entered into an agreement in September 1992 and adopted the following *Statement of Principle*:

> *The U.S. Departments of Labor and Education are committed to the continued development and implementation of individual education programs, in accordance with the Individuals with Disabilities Education Act (IDEA), that will facilitate the transition of students with disabilities from school to employment within their communities. This transition must take place under conditions that will not jeopardize the protections afforded by the Fair Labor Standards Act to program participants, employees, employers, or programs providing rehabilitation services to individuals with disabilities.*

The FLSA and CVBE Vocational Exploration, Assessment, and Training Components

The Departments of Labor and Education joined this statement of principle with *Policy Guidelines* governing the participation of students with disabilities in employment settings for vocational exploration, assessment, and training. According to these guidelines, students with disabilities who engage in vocational exploration, assessment, and training are not employees of the businesses in which they receive these services. When schools and employers engaging in these CBVE activities with students with disabilities follow *all* of the guidelines, they do not violate the provisions of the FLSA. The guidelines are:

- Participants will be youth with physical and/or mental disabilities for whom competitive employment at or above the minimum wage level is not immediately obtainable and who, because of their disability, will need intensive ongoing support to perform in a work setting.
- Participation will be for vocational exploration, assessment, or training in a community-based placement worksite under the general supervision of public school personnel.
- Community-based placements will be clearly defined components of individual education programs developed and designed for the benefit of each student. The statement of needed transition services established for the exploration, assessment, training, or cooperative vocational education components will be included in the students' Individualized Education Program (IEP).
- Information contained in a student's IEP will not have to be made available; however, documentation as to the student's enrollment in the community-based placement program will be made available to the Departments of Labor and Education. The student and their parent or guardian must be fully informed of the IEP and the community-based placement component and have indicated voluntary participation with the understanding that *participation in such a component does not entitle the student-participant to wages for duties performed in the community-based worksite.*

- ❑ The activities of the student at the community-based placement site do not result in an immediate advantage to the business. The Department of Labor looks at the following factors to determine if this guideline is being met:
  - There has been no displacement of employees, vacant positions have not been filled, employees have not been relieved of assigned duties, and the students are not performing services that, although not ordinarily performed by employees, clearly are of benefit to the business.
  - The students are under continued and direct supervision by either representatives of the school or by employees of the business.
  - Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.
  - The periods of time spent by the students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP.
- ❑ While the existence of an employment relationship will not be determined exclusively on the basis of the number of hours, as a general rule, each component will not exceed the following limitation during any one school year:

  —Vocational exploration - 5 hours per job experienced
  —Vocational assessment - 90 hours per job experienced
  —Vocational training - 120 hours per job experienced
- ❑ Students are not automatically entitled to employment at the business at the conclusion of their IEP. However, once a student has become an employee, the student cannot be considered a trainee at that particular community-based placement unless in a clearly distinguishable occupation.

Schools and participating businesses are responsible for ensuring that all seven of these guidelines are met. If any of these guidelines are not met, an employment relationship will exist, and participating businesses can be held responsible for full compliance with the FLSA.

The FLSA and CVBE Cooperative Vocational Education Component

In this CBVE component, the student with a disability is paid for work performed in the employment setting. Therefore, an employment relationship exists; the student is an employee and is entitled to the same wages as nondisabled employees performing the same tasks; schools and businesses are subject to all of the provisions of the FLSA, (i.e., minimum wage, overtime pay, record keeping requirements, and child labor). This is true whether the student is paid by the business, school, or third party.

The FLSA contains several provisions addressing employees who are students aged 14 and 15, students aged 16 years and older, or workers with disabilities. These provisions are described briefly as follows.

- ❑ **Students aged 14 and 15 years:** Under the FLSA child labor provisions, these students may work in various jobs outside school hours no more than three hours on a school day with a limit of 18 hours in a school week; no more than eight hours on a nonschool day with a limit of 40 hours in a nonschool week; and not before 7:00 am. or after 7:00 pm., except from June 1 through Labor Day, when the evening hour is extended to 9:00 p.m. These students may not work in jobs declared hazardous by the Secretary of Labor.
- ❑ **Students aged 16 and 17:** Under the FLSA child labor provisions, these students may work any time for unlimited hours in all jobs not declared hazardous by the Secretary of Labor.

- **Student learners:** High school students at least 16 years old who are enrolled in vocational education, can be employed at a special minimum wage rate of not less than 75 percent of the minimum wage (i.e., $3.86 under the present $5.15 per hour minimum wage), provided authority is obtained from the Department of Labor Regional Office of the Wage and Hour Division for each student before they begin employment.

- **Full-Time Student Program:** Full-time students employed in retail or service stores, agriculture, or colleges and universities can be employed at a special minimum wage of not less than 85 percent of the minimum wage (i.e., $4.38 under the present $5.15 per hour minimum wage). Employers must first obtain a certificate from the Department of Labor Regional Office of the Wage and Hour Division. This certificate also limits the number of hours a student may work to 8 hours per day and no more than 20 hours per week during the school year, and 40 hours per week when school is out, and requires employers to follow all child labor laws.

- **Youth minimum wage:** Section 6(g) of the FLSA allows employers to pay employees under 20 years of age a youth minimum wage of not less than $4.25 per hour for a limited time period—90 consecutive calendar days, **not** work days. The 90-day period starts with and includes the first day of work. Where state or local law requires payment of a minimum wage higher than $4.25 an hour for employees under 20, the higher state or local minimum wage rule would apply. A break of service does not affect the calculation of the 90-day period. For example, if a student initially worked for an employer over a period of 60 consecutive calendar days during the summer and then quits to return to school, the 90-day eligibility period ends for this employee with this employer 30 days after he/she quits (i.e., 90 consecutive calendar days after initial employment). If this same student were to return later to work again for the same employer, the employer would *not* be able to pay the student the youth minimum wage. Individuals under 20 may be paid the youth minimum wage for up to 90 consecutive calendar days after initial employment by more than one employer. Employers may not displace regular employees to hire someone at the youth wage.

- **Workers with disabilities in supported work programs:** Section 14 of the FLSA allows workers with disabilities to be employed at wage rates that may be below the statutory minimum, but wages paid must always be commensurate with the workers' productivity as compared to the productivity of nondisabled workers performing the same tasks. To pay a wage rate below the statutory minimum, an employer must obtain a sub-minimum wage certificate from the Department of Labor Wage and Hour Midwest Regional Office *(see Appendix A)*; the employer must obtain the certificate *before* employing a worker with a disability at less than the minimum wage.

Schools operating CBVE programs should not rely solely on the preceding description of the FLSA provisions that apply when students participate in the cooperative vocational education component of CBVE. Schools and businesses may consult their U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division Regional Office for additional guidance *(see Appendix A)*.

With the issuance of policy guidelines governing the CBVE components of vocational exploration, assessment, and training, the U.S. Departments of Labor and Education have cleared the way for schools to launch or expand their CBVE programs for students with disabilities. Several state and local education agencies have contacted the Office of Special Education Programs within the U.S. Department of Education with questions about applying the guidelines to their own CBVE programs. The following section of this handbook lists the questions most frequently asked about operating CBVE programs consistent with the FLSA, and the responses to these questions developed by the U.S. Departments of Education and Labor.

Section II

Questions and Answers

The U.S. Departments of Labor and Education issued policy guidelines that apply to students with disabilities in nonemployment relationships. A nonemployment relationship occurs as part of the vocational exploration, assessment, and training components of CBVE programs. This section presents many of the questions frequently asked about these guidelines. Each question includes an answer developed by the U.S. Department of Education in collaboration with officials from the U.S. Department of Labor's Wage and Hour Division.

Requirements for Participation

1. *Which students may participate in community-based vocational education under the policy guidelines for nonemployment relationships?*

   Student's who meet state guidelines for special education may participate in community-based vocational education if it is determined appropriate for them.

2. *How is it determined which students might need community-based vocational education?*

   The determination should be based on the individual student's needs taking into account the student's preferences and interests. Community-based vocational education would be considered a major change in placement for most students and would require a change in the IEP. The education agency must invite the student to any meetings considering transition services or participation in community-based vocational training.

3. *Does the term "physical and mental disabilities" mean that students with learning disabilities are excluded?*

   No. Learning disabilities can have their origin in physical or mental disabilities. However, participation in community-based vocational education should not be determined by disability group but rather by *individual needs* and *preferences*.

4. *The policy guidelines indicate that community-based vocational education is for individuals for whom employment is "not immediately obtainable." What does this mean?*

   The *not immediately obtainable* language was placed in the guidelines to ensure that students would not be placed in the exploration, assessment, or training components of community-based vocational education if they were capable of obtaining employment at or above the minimum wage level. Community-based vocational programs are organized educational activities intended to prepare students for paid employment while they are in school.

5. *The guidelines also indicate that community-based vocational education is intended for students who will need "intensive ongoing support" to perform in a work setting. Does this mean that it is intended for students with more severe disabilities?*

   Community-based vocational education is intended for those students with more severe disabilities. However, the level of severity must be based on skills and behaviors necessary to function in a work setting. Examples of ongoing support services include job redesign, job coaching to retain employment, environmental adaptations, personal assistance services, transportation, and social skills training (**Rehabilitation Act Amendments of 1992, Senate Report 102-357, p. 24**).

6. *What vocational options should be available to students whose needs wouldn't be considered severe?*

Community-based vocational education is not intended to replace vocational education, work study, or other vocational training and employment programs. It is intended to be an option made available to students to expand the capacity of education agencies to assist each student to achieve employment objectives.

Documentation

7. *What type of documentation is needed?*

It is important in community-based vocational education programs to document that all participants—the student, the parent or guardian, the employer, and instructional staff—understand that:

- If at any point the community-based vocational activity is no longer a learning experience, it can not be considered a nonemployment relationship;
- The community-based vocational program must meet all the requirements outlined in the guidelines for nonemployment relationships; and
- Students are not automatically entitled to employment at the worksite where they are receiving instruction and training.

Three types of documentation must be employed to meet the requirements of these guidelines: 1) an IEP reflecting vocational instruction and training goals and objectives relevant to the community-based vocational experience; 2) a letter of agreement outlining the DOL/ED requirements listed above and signed by all participants; and 3) ongoing case notes (i.e. attendance records, progress reports).

8. *Does the IEP eliminate the need to adhere to other laws governing child labor?*

Technically, child labor laws do not apply where there is not an employment relationship. However, it is highly recommended that educators adhere to child labor laws with regard to hazardous working conditions. Instruction and training in occupations which involve the use of machinery such as deli slicing machines, trash compactors, and bread dough kneading machines have been known to cause serious injury. Child labor laws provide information that can assist education personnel in determining whether a job is hazardous.

9. *Do the policy guidelines supersede individual State Departments of Labor regulations?*

No. It is important that community-based vocational education programs comply with both U.S. Department of Labor regulations and State Department of Labor regulations. Where the two do not agree, the regulations with the most stringent requirements for protecting individuals in work settings must apply.

10. *Is special or extra liability coverage for students required?*

Community-based vocational education is considered part of the student's individualized education program. In nonemployment relationships, the worksite is perceived as an extension of the school. In other words, the student is pursuing instructional objectives in a work setting. Since these students are not employees, they are not eligible for the usual workman's compensation or insurance coverage provided to employees. If the student is a paid employee of the business, then the employer is responsible for offering him or her the same liability coverage offered to other

employees. If the student's participation in workplace activity can be considered instructional and part of a nonemployment relationship, then the school may be responsible for liability coverage. Generally, the same insurance and liability policies that apply to other off-site school experiences (i.e. athletic events, field trips) should apply. Each school district must work out their own policies regarding liability.

11. Do reports have to be made to the U.S. Department of Labor and/or the U.S. Department of Education?

No. It is not necessary to make reports to the U.S. Department of Labor or the U.S. Department of Education. However, adequate records documenting your program's compliance with the guidelines for nonemployment relationships must be maintained. In the event of a Department of Labor investigation of your program, this information must be made available to the Department of Labor.

12. Can we share information from the community-based vocational program with vocational rehabilitation agencies?

Yes. Information from the CBVE program can be shared with other agencies as long as confidentiality procedures are followed. In fact, rehabilitation services counselors may be actively involved in the process of CBVE through consultation or funding.

13. How should issues regarding confidentiality be addressed?

CBVE programs should follow those procedures typically followed with regard to confidential information. **These procedures are outlined in section 300.560-300.577 of the IDEA regulations and are incorporated into both state and local policies and procedures.**

Program Supervision

14. What is meant by the term "under the general supervision" of public school personnel?

What this means is that the public school or education agency has primary responsibility for the community-based education program. Under IDEA, failure to deliver free appropriate educational services constitutes a violation of the rights of students with disabilities. This phrase places responsibility for ensuring that CBVE programs meet this mandate squarely on the shoulders of public school personnel. While different agencies or groups may deliver these educational services, public school personnel must act as the central agency overseeing the program.

15. How might educators document meeting the general supervision criteria?

Educators can document the general supervision criteria by developing the student's IEP. If a third party, such as a community-based rehabilitation program, is being utilized to carry out the provisions of the IEP, it should be so noted. The education agency must ensure that these guidelines are fully understood and will be followed by the provider.

16. What are the implications of the "continued and direct supervision" requirement for educators and employers?

Student participation in CBVE programs is considered a valid part of a student's instructional program. As such, he or she is expected to be closely supervised by school staff or employees of

the business. Direct supervision can include: 1) one-to-one instruction, 2) small group instruction, 3) supervision in close proximity, and 4) supervision in frequent, regular intervals. Supervision in frequent, regular intervals is permitted when the goal is to assess ability to work independently or to demonstrate mastery of the vocational skill.

17. Is it necessary for someone to monitor the student at all times?

Students in CBVE programs are to be monitored at all times. However, exactly how closely a student needs to be monitored in a community-based work setting must be determined on an individual basis. The various components of CBVE could require a variety of monitoring strategies depending on the goals and objectives outlined in the IEP. For example, vocational exploration and vocational assessment may require closer monitoring than the training component when the student may be working towards more independence in job performance.

18. What educational qualifications and/or certificate must education staff have in order to provide supervision in CBVE programs as the education agency's representative?

It is the responsibility of state and local education agencies to determine the educational qualifications necessary for school staff providing supervision in CBVE programs.

Instructional Programming

19. Would vocational assessment be required to determine a student's interests and preferences?

A formal vocational assessment may not be required to ascertain a student's preferences and interests if other alternatives are appropriate. However, as part of the overall decision making process, needs for support services or assistive technology should also be identified. These needs may be determined through ongoing assessment procedures inherent in the various components of community-based vocational education.

20. Is it necessary that the program follow sequential order (i.e. exploration, assessment, training)?

No. It is not necessary that the CBVE program follow a prescribed order. Given the nature of the student's needs, any of the three components may be deleted. It is only necessary that the CBVE program follow logical, generally agreed upon instructional best practices. For example, assessment and exploration usually would not follow training in one job classification.

21. Is it necessary that the vocational goals and objectives in the IEP specify exact site placements?

No. It is possible for the IEP to identify only general goals and objectives to be pursued (i.e., job clusters to explore or conduct assessments in; assessments of general work behavior skills; training in a specific occupation). The IEP should, however, expressly limit the amount of time students will spend at any one site or in any one distinguishable job classification. Additional written agreements with parents, students, and employers should reflect the exact location and document the specific nature of the education and training involved.

22. Does the IEP team have to reconvene for multiple vocational explorations, assessments, and training?

No. It is not generally necessary to reconvene the IEP team for multiple vocational explorations, assessments, and training. The vocational IEP objectives and goals can be written broadly enough to incorporate these experiences.

23. What is meant by the phrases "clearly distinguishable occupation" and "clearly distinguishable job classification"?

The word *occupation* refers to a specific profession or vocation generally engaged in as a source of livelihood. Occupation and job classification are meant to be synonymous. Examples of occupations are shipping and receiving clerk, custodian, and painter. Often occupations are confused with specific work activities or work stations which may be integral components of specific occupations. For example, work as a building custodian involves sweeping, emptying trash, and mopping. Each of these work activities must be considered as part of the clearly distinguishable occupation of custodian. If a student has received all allowable hours of nonpaid CBVE in the job of school custodian, she/he should not be moved to a new site for a separate experience as a nonpaid office building custodian.

24. Given the policy guidelines, could an employer move students around to different work stations or occupational areas not specified in their written agreement?

No. As stated earlier, goals and objectives for the student have been outlined in the IEP and written agreements between the student, parent, employer, and school personnel detail specific activities for the community vocational experience. Thus, the community-based vocational experience can be considered a valid educational experience under the supervision of school personnel. Employers must feel free to remove students from any work activity if they determine that removal is necessary for safety or other reasons. However, under no circumstances should the student be placed in a work station or occupational area not specifically outlined in the written agreement.

25. How will students receive academic credits for community-based education?

How students receive academic credit for work done in CBVE programs is left to the discretion of state and local education agencies. Many education agencies allow course credit for these community experiences since they are the means by which students achieve vocational goals and objectives identified in their IEPs. Frequently, the policy for academic credit in CBVE programs will be consistent with the one used for vocational education programs available to the general population.

26. Do the policy guidelines refer to programs under special education and/or vocational education?

It does not matter whether the CBVE program is offered through special education or vocational education. However, students participating in CBVE programs under these criteria for nonemployment relationships must be youth with disabilities as defined by the Individuals with Disabilities Education Act.

27. Do the guidelines apply to work during the summer?

Yes. These guidelines may apply to summer CBVE programs as long as they are under the general supervision of school personnel. Many students have individualized instructional programs that call for an extended-year educational program. Other students may simply elect to enroll in summer school.

The Educational Relationship vs. the Employment Relationship

28. What is the difference between an educational relationship and an employment relationship?

In an employment relationship, the student is actually providing services that are of immediate benefit to the employer. The student may be completing assignments normally completed by regular employees. As a result of these activities vacant paid positions in the business may remain unfilled and regular employees may be displaced or relieved of their normally assigned duties. In an educational relationship, the student engages in work activities as part of an organized educational activity designed to benefit the student. The guidelines on implementing CBVE programs consistent with the FLSA outline the distinction between an employment relationship and a valid educational experience. If it is determined that a student's involvement in community-based vocational education constitutes an employment relationship rather than part of an organized educational activity, then the participating business or school can be held responsible for full compliance with the FLSA regulations. This would include compliance with the FLSA's minimum wage and overtime pay provisions.

29. What is the distinction between benefit to student vs. benefit to employer?

A number of distinctions have been made between benefit to the employer and benefit to the student with regard to CBVE programs (Pumpian, Lewis, & Engel, 1986). Benefit to the employer occurs when the employer recognizes an immediate advantage by having the CBVE student working on the premises. An immediate advantage can be described in terms of increased profitability or production for the business. Benefit to the student occurs when the CBVE program can be considered a valid educational experience for the student. The courts and experts in the field suggest that for CBVE to represent an educationally valid experience the following instructional practices should be implemented:

- Students receive adequate orientation and instruction before performing new tasks.
- Students' goals and objectives to be met in the community-based education program are clearly defined.
- Activities in the community-based setting relate directly to students' goals and objectives.
- Students' activities in the CBVE program are closely monitored.
- Records of students' progress are maintained.
- The necessary support and time for students to develop proficiency at new tasks is provided.

30. What is the educator's role in assuring that regular employees will not be displaced by the student trainee in the workplace?

The community experience must be primarily for the benefit of the student. Also, regular employees must not be displaced or relieved of assigned duties and vacant positions should not go unfilled. Two strategies are available to educators for ensuring that this criterion is met. First, the educator can confirm that all parties - the employer, the student, and the parents - understand that students in the CBVE program must not displace regular employees. An agreement documenting this understanding should be signed by all involved. Secondly, those who provide direct supervision to the student at the worksite may observe when employee displacement and other violations are occurring and take steps to correct the situation.

31. If the activity is ordinarily not performed by employees and yet is beneficial to the business, can the student perform the activity?

The student should either not perform the activity or be paid appropriate wages. Although regular employees have not been displaced or relieved of assigned duties, the student is still providing services which are of benefit to the business. Therefore, an employment relationship exists between the student and the employer. This would not be the case if the activity were of no benefit to the employer and consisted of "busywork" designed to develop or improve a student's skills. For example, reorganizing materials awaiting shipment into sets of five would not constitute an employment relationship if the business did not ship the materials in this manner.

32. Can students accept an offer of paid employment at a worksite where they were placed for community-based education?

Yes. Students may accept an offer of paid employment at a worksite where they received instruction and training. The student would then become an employee of the business and an employment relationship would ensue. This means that the employer is responsible for full compliance with the FLSA, including minimum wage and overtime pay provisions.

33. Could the student be paid less than the minimum wage?

Yes. Employment below the minimum wage rate is permitted in instances when a worker's disability impairs their ability to perform the job. This special minimum wage rate is based on the productivity of the worker with disabilities as compared to the productivity of a worker without disabilities. Employees must apply to the U.S. Department of Labor for authority to employ workers with disabilities at these special minimum wage rates.

Section III

Student Examples

This section describes the CBVE experiences of eight students with disabilities between the ages of 14 and 21. The student examples are grouped according to the CBVE component they illustrate. These components are: Vocational exploration, vocational assessment, vocational training, and cooperative vocational education.

Each example includes a brief description of the student and his or her current special education program. The text pays particular attention to the CBVE planning activities, selection and preparation at the worksites, the student's experiences there, and the results. The examples include sample documents (e.g., letters to parents, transition goals and objectives, CBVE agreements with worksites, and student assessment plans) whenever possible. Each example concludes with a comparison of the student's experience to the guidelines published in 1992 by the U.S. Departments of Labor and Education and other requirements of the Fair Labor Standards Act.

The student examples are based on descriptions of actual students who participated in CBVE programs in the metropolitan Washington, D.C. area.

Example 1: Vocational Exploration in a Rural Community

Wanda is an eighth grader in a small rural community. She is 14 years old. She was identified as having a learning disability in the second grade and has received special education services since then. Wanda attends the local middle school where she is in regular classes and receives resource help in reading and language arts from a special education teacher.

An IEP meeting was held in the spring prior to Wanda's entry into eighth grade. Wanda, her parents and the other IEP team members agreed that Wanda was extremely sociable, was eager to try new things, and was increasingly self-reliant. Wanda's IEP goals were primarily in academic areas.

Wanda expressed an interest in developing some sense of jobs and careers she might pursue after high school. She believed this direction might motivate her to study more seriously. Wanda and the other IEP team members agreed that in five months (approximately the time Wanda would be 14) the team would reconvene to develop the transition component of Wanda's IEP.

Parent Notification of IEP/Transition Planning Meeting

Leesburg County Public Schools
10 Main Street
Leestown, MD 20000
(308) 888-9999

September 12, 1998

Mr. and Mrs. Fred Adams
Route 222
Leestown, MD 20000

Dear Mr. and Mrs. Adams:

This letter is to schedule a meeting to complete the transition planning component of Wanda's IEP. The purpose of Wanda's transition plan is to provide her with community-based vocational experiences (CBVE) to assist her in developing career goals and the skills necessary for her to reach those goals. Typically, students will be involved in four phases of CBVE: 1) vocational exploration; 2) vocational assessment; 3) vocational training, and 4) cooperative vocational employment.

Since Wanda will soon be fourteen, we would like to discuss with Wanda and you vocational exploration (phase 1 of CBVE) opportunities as part of the transition planning component of her IEP. We would like to schedule this discussion for October 10, 1998 at 4:00 p.m.

Please let me know if this meeting date will not work for you, so we may reschedule it to accommodate your schedule.

Sincerely,

Brian Goodman, Principal
Lincoln Middle School

The Transition Component of Wanda's IEP

During her IEP/transition planning meeting, Wanda indicated that, although she did not have specific careers in mind, she was interested in animals, music, children, and drawing. Wanda's parents said that she does chores around the house and follows three-and four-part instructions easily. Wanda's father is a soft drink distributor to small stores in the area. One of Wanda's jobs at home is sorting empty

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Wanda's IEP Transition Goals and Objectives

Goals:

- I will explore a variety of career opportunities in school and the community by watching work being done, talking with employees, and trying out work under my teacher's supervision .
- I will participate in my IEP meetings and express preferences based on my vocational exploration experiences.

Objectives:

I will:

- Talk appropriately with workers and supervisors.
- Ask questions about the work in each exploration site.
- Express my feelings and preferences about each situation with my special education teacher and parents.
- Keep a log of each experience and discuss each one with my special education teacher and parents.

bottles. Her father noticed that she became much quicker and more proficient at this task when he began to pay her a penny a bottle.

Wanda and the rest of the IEP team decided that Wanda would experience a variety of job opportunities and situations during the remainder of the school year to help her identify career areas she might pursue after graduating from school.

Exploratory Site Selection

Wanda and the other IEP team members agreed that Wanda would begin her vocational exploration in the school library and cafeteria. School staff would also arrange for Wanda to observe in the office of the local veterinarian, and in the day care center and vocational education classes, both at the local high school.

Wanda's special education teacher agreed to coordinate Wanda's vocational exploration activities in her IEP/transition plan. This included arranging for: Wanda's visits to the various school and community sites, documenting Wanda's experiences, and gathering data from each site manager regarding Wanda's reaction to her exploratory observations. The school provided all necessary transportation to the community-based sites.

Wanda and her parents understood that each of these vocational explorations was limited to a maximum of five hours per experience. Wanda would not be paid for any work performed. The purpose of the exploration was to expand Wanda's understanding of a variety of occupational areas. Her parents agreed to support Wanda in keeping a daily log of her activities and to discuss her observations with her throughout her exploration activities.

The School Cafeteria

Wanda's teacher introduced her to the manager of the school cafeteria. Wanda observed the general operations of the cafeteria for one hour and asked questions about each phase. She was most curious about how the cooks knew how much of each ingredient to use in making large portions. She said she did not want to serve food in the cafeteria and have kids ask why she was doing it. During Wanda's second visit she watched a cook making meatballs and spaghetti. She asked a few questions, but seemed generally uninterested. She confirmed this with the manager, her teacher and her parents. During her third exploratory visit, Wanda measured and mixed the ingredients for "tuna surprise." She required some assistance in measures (pints, quarts, gallons, etc.).

Wanda's teacher observed her frequently. She noted that Wanda got along well with the cafeteria staff and seemed more interested in socializing than in cooking. Wanda recorded her experiences and reactions in her log and discussed them with her teacher and parents.

The School Library

Wanda introduced herself to the school librarian. He explained how the library is organized and operated. Wanda showed some interest in the library because of her interest in photography. She was pleased to find that the library had a photography section and several magazines. Wanda's next visit was spent watching the librarian and the library assistant do a variety of tasks: cataloging books, replacing books on the shelf, and checking books in and out. Wanda asked very few questions about this work. The librarian told the teacher Wanda was much more interested in leafing through magazines than participating in library activities.

Parent Notification of Vocational Exploration Sites

Leesburg County Public Schools
10 Main Street
Leestown, MD 20000
(308) 888-9999

October 10, 1998

Mr. and Mrs. Fred Adams
Route 222
Leestown, MD 20000

Dear Mr. and Mrs. Adams:

Following our discussions and the development of the transition component of Wanda's IEP, the following career exploration sites have been identified:

- School cafeteria: 3 one hour observations
- School library: 3 one hour observations
- Leestown Animal Clinic: 5 one hour observations
- Leesburg High School Day Care Center: 3 one hour observations
- Leesburg High School graphic arts class: 2 one hour observations

The purpose of the on-site activities is to allow Wanda to experience a variety of work situations and settings. All job explorations are limited to no more than five hours per worksite. Wanda will be under the supervision of school staff (either a teacher or an aide on all job sites.

Enclosed is a permission form for participating in vocational exploration activities. Please read it and, if you agree, sign and return to the school.

Sincerely,

Brian Goodman, Principal
Lincoln Middle School

On her next visit to the library, Wanda shelved 20 books after arranging them in alphabetical order by author. Both the librarian and her special education teacher noticed that she did this with little difficulty. During Wanda's exit interview with the librarian, she expressed little interest in trying other library tasks. She did become somewhat excited when the librarian told her that one of his jobs was ordering books and magazines. She was less excited when she found out that the librarian couldn't just order books that he liked. Wanda made notes about her experiences in her log. In a follow-up discussion with her teacher, Wanda reported that working in school didn't seem like real work. She wanted to see some real work.

The Vet's Office

Wanda's special education teacher arranged for Wanda to spend five afternoons with the local veterinarian in her office. Wanda's teacher explained the purposes of these visits to the vet and the vet agreed to expose Wanda to several experiences.

The school aide drove Wanda to the vet' office. The aide stayed with Wanda during the first observation. On this visit, the vet's assistant took Wanda on a tour of the office and explained the different operations (standard veterinary services, surgery, grooming, and boarding). The assistant also explained that the vet was a large and small animal doctor and was often out of the office on house calls. Wanda was most interested in grooming and caring for the animals.

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Wanda watched dog grooming during her second visit. The vet also had Wanda come into an examining room to observe a routine checkup of a cat. Wanda asked if the shots hurt the cat. Wanda and the vet had a long conversation about administering drugs to animals.

When the aide came to pick up Wanda after her third observation, she found Wanda cleaning dog cages. The aide learned that the vet was on a house call and the assistant instructed Wanda to clean the cages. Wanda didn't seem to mind. But, when the aide reported this to the teacher, the teacher telephoned the vet to explain that cleaning the cages was not an appropriate activity for Wanda. The vet agreed. On Wanda's last observation she and the aide accompanied the vet on a house call to examine a horse. Wanda was afraid of the big animal. Wanda reported her experiences and observations in her log. She thought it was "fun" to be around the dogs and cats, but didn't think she wanted to be a vet or a vet's assistant. She did express interest in how animals are trained.

Parent Permission Form
Community-Based Vocational Exploration

I understand that my child, Wanda, will participate in a community-based vocational exploration program a part of her IEP transition plan. I understand that the exploration experiences will take place during the second semester of this school year and will be under the supervision of school staff.

I also understand that these experiences are to increase Wanda's understanding of potential career opportunities and that she will not be providing services that are of direct benefit to the employer on the worksite, nor will Wanda participate in any one work situation for more than five hours. Because this is part of Wanda's educational program, she will not be paid. The school will provide transportation to worksites when necessary.

I give my permission for Wanda to participate in the community-based vocational exploration program as stated in the transition component of her IEP.

_____
Parent or Guardian

_____
Date

The Day Care Center

Wanda spent three mornings in the day care center operated by the high school. The center cares for the children of high school students and other young children in the community. During her first visit, Wanda observed a structured play activity with the four and five year olds. During her second observation, Wanda participated in a play activity by handing out materials and helping children put on their smocks. The preschool teacher reported that Wanda seemed to like the older children, but was uncomfortable around the infants. She had no interest in changing diapers. During Wanda's last visit to the day care center she lost interest and spent her time playing with a group of toddlers having a tea party. Wanda reported in her log that she liked most of the children and wondered if a job like that paid very much.

The Graphics Arts Class

Leesburg High School offers a range of vocational education programs. One of these is a three-year program in graphic arts. Wanda spent two afternoons observing the activities in this general vocational education program. At first she watched students selecting color combinations to highlight a magazine ad. Then, at the teacher's invitation, she joined a small group choosing color combinations. Wanda reported in her log that she enjoyed the activity and believed she was good at picking the colors. The graphic arts teacher told Wanda's middle school teacher that Wanda had no trouble working with the general education high school students.

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Career Day

Wanda and her mother attended the career day sponsored by the Rotary Club at her middle school. Since Wanda lives in a rural community, many exhibits involved agriculture and small businesses. Wanda spent some time talking with the owner of a one- hour film developing shop that had just opened in a nearby community. She told her parents she wanted to see the shop and find out more about how it worked.

Her mother telephoned the shop owner and took Wanda to observe the business on a Saturday afternoon. Wanda was quite excited by her conversation with the owner, and asked him several questions. Wanda's mother told her teacher that Wanda talked about this visit for several days. Wanda also asked her mother if she could continue to " work like this" when she entered high school next year.

Site Agreement
Community-Based Vocational Exploration

I agree to participate in the community-based vocational exploration program of the Leesburg County Public Schools by providing students with the opportunity to observe and discuss vocational possibilities within my occupational area. I understand that students are not expected to perform work normally done by other employees, but are to experience a variety of work activities in my business. I understand that the students placed at my worksite are under the supervision of school personnel and that the school will provide any necessary transportation.

Both I and my staff will be available to the students to explain work situations, work expectations, and the general nature of the work environment. We will also be available to answer students' questions about the work opportunities within the vocational area.

_____
Site Representative

_____
Date

Documentation

Wanda's special education teacher gathered written comments or made notes when talking with each of the exploration site managers. She and the aide kept notes on their observations of Wanda during these activities. The teacher also talked with Wanda's parents several times. At the end of the school year, the teacher wrote a summary of Wanda's vocational exploration experiences, pointing out Wanda's career preferences, (e.g., child care and photography), her responsible behavior at the worksites, and her potential to continue in a CBVE program in high school.

Wanda's Vocational Exploration Experiences and the FLSA

Wanda's participation in the vocational exploration component of CBVE conforms to the guidelines published by the U.S. Departments of Labor and Education. In this instance, she observed work settings in school as well as in the community. She had the opportunity to watch and participate in work at sites exhibiting a variety of career and occupational areas (i.e., food service, library science, veterinary science, child care, graphic arts, and photography). However, she received no pay for any service she might have performed. She spent no more than five hours at any one exploration site. Nor did her participation in work at any site result in an immediate advantage to the business. Her teacher was alert in contacting the vet when the aide reported Wanda was cleaning dog cages. This activity was not carried out under supervision; it had the potential to benefit the business and therefore violated the guidelines for vocational exploration had it continued.

Wanda's interests and preferences were considered in selecting her exploratory experiences. Her parents were fully informed and participated in the activity. The exploration goals and objectives were clearly established as part of the transition component of Wanda's IEP. Wanda's special education teacher,

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the teacher's aide, and site managers supervised her assignments. It was not necessary to supervise Wanda directly at all times given her behavior, proficiencies, and IEP/transition plan goals and objectives. Written notes, including Wanda's log, provided adequate case documentation.

There is the strong potential for the results of Wanda's vocational exploration experiences to influence the development of Wanda's IEPs during her high school years. Of particular interest to Wanda, is the opportunity to enroll in one of the general vocational education programs at Leesburg High School as part of her high school special education program.

Example 2: Vocational Assessment in a Cleaning Services Company

Mike is 16 years old and attends a large suburban high school. Mike has a cognitive disability (I.Q. of 70) and has received special education and related services since he was four years old. A substantial part of his education program now centers on community referenced instruction. His IEP goals focus on functional community skills, social skills, and work-related skills. According to his IEP, Mike speaks in short sentences of three to five words and often his diction is unclear. He has difficulty following directions with more than two steps. Mike sight reads words related to his daily schedule and is typically outgoing. Mike has difficulty adapting to new routines.

Mike's Previous CBVE Experiences

Mike has participated in several vocational exploration experiences since he entered high school last year. They included observations and limited participation in a bakery, a fast food restaurant, a large grocery store, a dry cleaners, and a home cleaning service. Mike's community-based special education teacher observed Mike in each of his exploratory experiences.

The Transition Component of Mike's IEP

An IEP meeting was held to review Mike's academic and transition goals and objectives. Mike, his father and the other IEP team members developed a long-term transition goal for Mike that stated Mike would secure employment within the community upon graduation from high school.

During the meeting, Mike expressed interest in the home cleaning company that he observed as part of his vocational exploration activities. He enjoyed the way the company organized employees into three-person teams, and assigned teams to residential and commercial customers who subscribe to the cleaning service. Mike's special education teacher knew that the cleaning company had provided vocational assessment and training opportunities to several students in the past, and was a positive work setting that offered a variety of jobs.

Team members decided that Mike's teacher would seek the company's permission to construct a vocational assessment situation for Mike during this school year. Based on Mike's interests and abilities, Mike and the other team members developed his annual transition goal and a set of objectives for reaching that goal.

Mike's IEP Transition Goal and Objectives

Goal:

- I will perform a variety of cleaning tasks in businesses and private homes in the community, two hours per day, three days per week during this school year.

Objectives:

I will:

- Talk appropriately with my supervisor and coworkers, as observed by my supervisor and teacher.
- Follow spoken and written directions, as observed by my supervisor and teacher.
- Perform a variety of cleaning tasks, such as vacuuming, washing windows, cleaning restrooms, dusting, and emptying trash, as observed by my supervisor and teacher.

Arrangements for Mike's Vocational Assessment at Eaglewood Cleaning Services

Mike's teacher met with the owner of Eaglewood Cleaning Services, Inc. and discussed the possibility of it serving as Mike's vocational assessment site. The owner remembered Mike from his vocational exploration experience there. Mike's teacher explained that the purpose of Mike's vocational assessment was to evaluate him in a variety of work-related areas including performance, ability to follow directions, and social relationships. The owner agreed. Since all of the cleaning services provided by the company to corporate clients were performed at night, the owner

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suggested assigning Mike to a team that cleaned private homes during the day. The owner also suggested assigning Mike to one team at first so he wouldn't have to adjust to several employees at once. The teacher promised that he or an aide would accompany Mike to the worksite and remain there with him.

The Development of Mike's Vocational Assessment Plan

Mike's teacher visited several of the company's worksites and met the teams and supervisors before Mike began his vocational assessment activities. Mike went with his teacher twice to confirm his interest in this assessment placement. His teacher also conducted a worksite analysis to decide if Mike would need any type of assistance to perform the assigned tasks. Analysis results indicated that transportation was the only assistance Mike would need. To accommodate this need, Mike's teacher or aide would accompany him to work.

The company's owner and Mike's teacher chose a residential cleaning team and supervisor for Mike based on the teacher's observations during the worksite analysis. Mike's teacher developed work-related and social behavior analysis instruments with which to assess Mike's job performance. These forms addressed each of Mike's transition objectives: work performance, ability to follow directions, and social relationships.

Mike's supervisor, teacher, and the aide met to review the assessment plan. They agreed that they would collect data on Mike's work rate on each task, (e.g., cleaning windows, vacuuming). Mike would be expected to perform the task just as well as employees without disabilities, although he might need more time or closer supervision. They also agreed to monitor Mike's attendance, attitude, willingness to follow directions, and interactions with coworkers. The aide would write task checklists for Mike to follow when working, and Mike's supervisor would reinforce these with verbal instructions.

Initially, assessment data would be collected each time Mike was at the worksite. Mike's teacher and the aide would write case notes appraising Mike's performance and behavior to supplement the data collected using the forms. The assessment process would entail collecting data on a task or behavior, meeting with Mike to review his performance, then reassessing his performance. Assessment would then focus on a new task or behavior. Mike's teacher obtained agreement to the assessment plan from Mike, his father, and the owner of the cleaning company.

Mike's Vocational Assessment Experience at Eaglewood Cleaning Services

Mike participated as planned in his vocational assessment placement with Eaglewood Cleaning Services. He enjoyed the work, although he was hesitant to talk to coworkers initially. Mike's teacher and the aide encouraged him to talk by starting conversations and drawing Mike into the discussions. When Mike's teacher or the aide drove Mike between worksites, Mike expressed that he preferred to ride in the company van with the other cleaning team members, as he enjoyed talking informally with his coworkers.

Mike had difficulty following verbal directions. He relied heavily on the written task check lists. His supervisor found that he needed to show Mike how to do each task at least twice before Mike could tackle it himself. Coworkers later offered assistance as part of their routine. Both Mike's teacher and supervisor observed that Mike wasn't good at asking for help when he didn't understand a direction or task. He just stood to the side until someone noticed he wasn't working. But, once Mike understood the task, he performed it efficiently and well. Mike didn't like moving from house to house. It took over a month to make Mike comfortable with this, and when the schedule changed, Mike still had trouble adjusting.

After two months with the team, both Mike's teacher and supervisor believed the vocational assessment was complete. Mike wanted to keep working. His supervisor talked to one of his colleagues, and arranged for Mike to join another team. Mike protested: "I want to stay here!" His father and teacher told Mike that people often change jobs, and getting to know new situations was just a fact of working. Mike reluctantly agreed to move to a second team. This gave Mike's teacher the opportunity to assess him

Vocational Assessment Plan for Mike Pendleton

Eaglewood Community School District
1716 Downstone Road
Eaglewood, IL 20747
(615) 333-2222

October 2, 1998

Mike Pendleton will participate in the vocational assessment component of the Eaglewood Community School District Community-based Vocational Education Program during this 1999-2000 school year. Mike's participation is consistent with his IEP transition goal and objectives (attached). The purpose of the vocational assessment component is to identify training goals and objectives Mike must meet to secure employment within our community upon his graduation from Eaglewood High School.

Eaglewood Cleaning Services, Inc. will be the vocational assessment site. This site was chosen based on Mike's interest in cleaning services as a result of his previous vocational exploration experiences. Mike will work with one of the company's residential cleaning teams for two hours per day, three days per week. Mike's work with the company in any one setting will not exceed 90 hours. Mike will not be paid for work he performs in this placement. Vocational assessment is part of Mike's special education program and his IEP/transition plan. Mike's placement is not intended to benefit the business of Eaglewood Cleaning Services, and the company does not expect to receive any business benefit as a result of Mike's participation.

Transportation to and from Eaglewood Cleaning Services' worksites will be provided by school personnel. Mike will be assigned to one or more commercial and residential cleaning teams. He will work under the direction of the team supervisor. School personnel will be with Mike at all times to provide direction and assess Mike's performance. Mike will perform a variety of cleaning tasks under supervision. For each task, data will be collected on Mike's work performance, his ability to follow verbal and written directions, and his ability to interact appropriately with coworkers and supervisors. Data will be collected by school personnel and team supervisors. Mike and his father will receive frequent reports on Mike's performance.

This arrangement can be stopped by Mike, his father, school personnel, or Eaglewood Cleaning Services if Mike's participation is not acceptable to all parties, or the assessment process is complete. In this instance, the school will make every effort to identify an alternative vocational assessment site for Mike.

Signed and dated:

_____
Edward Sturgeon, Principal, Eaglewood High School

_____
Ralph Goodwin, Owner, Eaglewood Cleaning Services

_____
Robert Pendleton (Mike's father)

again with respect to his ability to enter new situations, establish relationships, and respond appropriately to different supervisors. The vocational assessment process was repeated with similar results.

The Outcomes of Mike's Vocational Assessment

The vocational assessment showed that Mike has the potential to work on a cleaning services team. He can do the work at productivity levels comparable to those of employees without disabilities. Mike needs to improve his ability to follow oral directions and ask for help when he doesn't understand something, become more comfortable with changes in schedules and routines, and gain experience and support in interacting with coworkers.

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Mike's Vocational Assessment Experiences and the FLSA

Mike seemed to profit from his vocational assessment experience. The experience provided his teacher with the information necessary to develop training objectives for Mike's next CBVE activity. This assessment was conducted according to the FLSA guidelines. Eaglewood Cleaning Services was selected as the vocational assessment site based on Mike's interests and the goals and objectives of his IEP/transition plan. The vocational assessment plan made it clear that Mike was entitled to no pay, and that Eaglewood would receive no benefit from Mike's participation. Assessment data were collected systematically by school personnel and Eaglewood staff. Mike spent less than 90 hours at Eaglewood during the school year.

In general the school was proficient in its supervisory responsibilities. However, Mike's riding in the van without the appropriate permissions might have presented a liability for the school system, since school liability requirements vary. Yet, opportunities for students to interact informally with employees is a valuable component of their vocational assessment experience, and school personnel should explore ways in which these opportunities can be fostered. In instances such as Mike's, maybe the school could have arranged for the aide to ride in the van with Mike. He could have had the opportunity to converse informally with employees, which was part of his assessment plan, and not infringe on the school's liability requirements.

This vocational assessment component requires that when all possible information about the student's training needs has been collected, it's time to move the student to a work situation in which new information can be obtained. Mike's teacher was correct to move him to another team when the teacher and supervisor believed the initial assessment data collection process was complete. However, more data were needed on Mike's abilities to enter new situations and establish positive peer and supervisory relationships. Since Mike had not spent 90 hours at the Eaglewood Cleaning Services site, and more assessment data could be obtained there, it was appropriate he join a second team for this purpose.

Example 3: Vocational Training in a Hotel Laundry

Marilyn is 17 years old and has a physical disability and moderate mental retardation. While she is ambulatory, health related problems do not allow her to walk great distances. Marilyn attends an urban high school where she participates in regular classes and receives consultative assistance from the special education and related services staff. Marilyn speaks in single syllable words and rarely uses whole sentences. Her receptive vocabulary, however, is much greater than her expressive vocabulary and she can follow two-step directions. Marilyn knows some sign language and recognizes picture symbols on a daily schedule board that she uses.

Marilyn's Previous CBVE Experiences

Marilyn's previous community-based experiences included sorting materials for recycling, custodial work in a community center, and laundry service in a downtown hotel. Under the supervision of her job coach, Marilyn completed a comprehensive vocational assessment in the laundry facility at the Brentwood Inn.

The Transition Component of Marilyn's IEP

During her IEP/transition planning meeting to discuss vocational training, Marilyn expressed a clear preference for training in a laundry service. Her job performance and general attitude during her vocational assessment at the Brentwood Inn laundry facility reinforced Marilyn's choice for training.

During the assessment phase, her job coach found that Marilyn could perform two basic tasks: sorting soiled laundry and folding clean laundry. In sorting, Marilyn worked at approximately 40 percent of the rate of regular employees. Her work rate was 20 percent of the rate of regular employees in folding laundry. Her job coach also noted that Marilyn did not like her routine changed. If she had been sorting for several days, she resisted switching to folding. She also had trouble dealing with a different supervisor if her regular supervisor was ill or had a day off. Her job coach suggested that Marilyn receive instruction on how to take a break on the job site and interact with other employees.

Marilyn's IEP Transition Objectives

Marilyn's IEP transition component reflected the outcomes of her assessment and the recommendations of her job coach.

Objectives:

I will:

- Increase how much laundry I fold and sort, as observed by my supervisor and job coach.
- Learn how to load washers, add detergent, unload washers, and place items in the dryer, as observed by my supervisor and job coach.
- Learn how to have conversations with other employees, use the snack machine, and use the restroom during break time, as observed by my supervisor and job coach.

Marilyn and her parents understood that her training would be no longer than three hours per day, three days a week, and would not exceed 120 hours. The school would provide transportation to the Brentwood Inn and the job coach or an aide would be on-site at least three days a week. When her job coach or aide was not at the worksite, Marilyn would report to the laundry supervisor and receive her training from him and another hotel employee who would be working with Marilyn. There would also be three other students being trained at the Brentwood Inn, one in laundry service and two in general housekeeping. The parents of two of these students offered to car pool and drive all of the students home at the end of work.

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Vocational Training Agreement for Marilyn Kline

Ridgewell City Public Schools
110 N. Front Street
Ridgewell, NC 22224
(379) 444-5555

October 1, 1998

As part of Marilyn's special education vocational training program, she will participate in vocational training activities in the Brentwood Inn Laundry. It is understood that:

- Marilyn's training will be three hours per day, three days per week, and will not exceed 120 total hours.
- Her training is for her benefit according to her IEP/transition plan.
- The school is responsible for the general supervision of her training program.
- Marilyn will not replace any hotel employee, but she way work under their close supervision.
- The Brentwood Inn will receive no immediate advantage from the tasks that Marilyn performs.
- When Marilyn is performing a task at an acceptable rate to her school and hotel supervisors, a new training task will be introduced.
- Marilyn is not entitled to wages or other work related benefits while in the training program.
- Marilyn is not automatically entitled to employment with the Brentwood Inn when her training period ends.

Marilyn's Vocational Training at The Brentwood Inn

Marilyn's job coach shared her IEP transition objectives related to Marilyn's vocational training with the laundry supervisor and the employee assigned to work with Marilyn . The plan called for the job coach to be on site during the initiation of new or expanded tasks and provide assistance to the supervisor on specific strategies and techniques. Marilyn's job coach wrote an agreement outlining the purposes of Marilyn's vocational training and the expectations for both the Brentwood Inn and the school system. The hotel management, Marilyn and her parents accepted the agreement.

Marilyn began her vocational training at the beginning of the second semester. Her job coach stayed with Marilyn the first week and established the desired training programs and data collection instruments. During the second week the aide stayed on-site.

By the end of the second week, her job coach and supervisor concurred that Marilyn could work independently under the direction of the laundry supervisor until new tasks were introduced. The job coach or aide was present each time Marilyn was introduced to a new task. Because Marilyn was in a training program, her supervisor collected the same data on Marilyn's performance that her job coach collected. Her job coach worked with the supervisor in collecting data and giving Marilyn feedback for a week. Then the supervisor took over these responsibilities. Her job coach, supervisor, and Marilyn scheduled a conference each week to discuss Marilyn's progress and decide when new training activities would be initiated.

During Marilyn's initial training in sorting laundry, both her job coach and supervisor saw that Marilyn's rate declined after the first work hour. Her job coach suggested that fatigue may be a factor. The laundry supervisor arranged for Marilyn to work at a large table with a stool. This improved

Marilyn's work rate. Marilyn also had trouble during breaks. She needed to be prompted to take a break, and was reluctant to begin talking with other employees, even the one with whom she worked closely. Her job coach noticed that when Marilyn took a break with another student in the training program, she not only interacted with her schoolmate but with hotel employees as well. The laundry supervisor changed the break schedule so that Marilyn and her friend had breaks together.

Marilyn's job coach observed her at least three times a week and documented all observations. She discussed Marilyn's work behavior and performance with the hotel employee and Marilyn's parents on a weekly basis. Her job coach asked Marilyn's parents to provide her with more situations in which Marilyn could make decisions (e.g., helping plan dinner, selecting her clothes). She felt this would help Marilyn make decisions at work, particularly in how to use her break time.

Marilyn continued to experience difficulty in switching tasks, even when she had previously demonstrated that she could efficiently perform the new task. Marilyn used symbol cards to help her switch assignments. The cards were placed on a board, and when she completed one task, Marilyn returned the card to the board and took the next card illustrating the new task. Marilyn checked off tasks as she completed them. Marilyn's job coach developed a data form that recorded Marilyn's activities.

Initial Training Plan for Marilyn Kline

Ridgewell City Public Schools
110 N. Front Street
Ridgewell, NC 22224
(379) 444-5555

October 1, 1998

Sorting Laundry:

Marilyn will increase her work rate to 75% of the rate of hotel employees.

Initial training in sorting activities will be conducted by the job coach or aide. The training will consist of drill and practice activities to increase Marilyn's rate. Marilyn will receive continual feedback.

The job coach or aide will maintain data on Marilyn's rate, duration of rate, interrupting factors, and time of day. When Marilyn maintains a rate of 50% of a hotel employee, supervision will be switched to the laundry supervisor and "buddy." The job coach or aide will observe the interactions between Marilyn and her supervisor/buddy. When appropriate, training responsibility will be turned over to the supervisor and "buddy." Weekly meetings with Marilyn's supervisor or "buddy" and her job coach or aide will be conducted to review Marilyn's progress. Her job coach or aide will maintain records of these conferences and the observations provided by Marilyn's supervisor and "buddy."

When Marilyn attains a work rate of 75% (or her job coach and laundry supervisor decide that Marilyn has attained her maximum rate), a new training activity will begin.

Work Breaks:

Marilyn's job coach or supervisor will accompany her on breaks. Her job coach or aide will introduce Marilyn to her coworkers and assist in initiating conversation with hotel employees. Marilyn will also receive instruction in the use of snack machines. Marilyn will be encouraged to use the rest room during her breaks. Anecdotal records will be kept during the initial break periods. When it is determined that Marilyn's "break behavior" is appropriate, her job coach or aide will withdraw and Marilyn will take breaks with her "buddy" and/or other hotel employees. Marilyn's job coach or aide will continue to collect data on an intermittent basis and review Marilyn's behavior in the weekly meetings.

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The Results of Marilyn's Vocational Training Experience

Marilyn's job coach and supervisor reported that Marilyn was productive and dependable and met the vocational training criteria established in Marilyn's IEP/transition plan. As a result of her performance, Marilyn was offered a part-time paid position in the Brentwood Inn laundry service.

Marilyn's Vocational Training Experience and the FLSA

Marilyn's vocational training experience met all of the guidelines established by the U.S. Departments of Labor and Education for nonemployment relationships according to the Fair Labor Standards Act. Training site selection was consistent with Marilyn's transition plan objectives, results of her previous CBVE activities, and her own vocational preferences. A letter of agreement was signed by her parents and a representative from the Brentwood Inn. The letter stated that: The training was part of Marilyn's educational program and would be under the supervision of school personnel; the training period would not exceed 120 hours; Marilyn would not be paid during this time; and that Marilyn would not replace an employee in his or her job, but that Marilyn would work with regular hotel employees. Marilyn was assigned to a supervisor and a hotel employee. Marilyn's job coach, hotel supervisor, and assigned employee made several adaptations to her work routines to enable her to succeed. Her productivity rates increased to 75% of those of hotel laundry employees.

If Marilyn and her parents decide to accept the Brentwood Inn's offer of part-time employment, Marilyn will enter the cooperative vocational education component of CBVE. With Marilyn's job coach and other school personnel, they must ensure that this placement meets FLSA requirements. There are several options. Marilyn could be paid the same wages as those earned by hotel employees. Under the FLSA, Marilyn could receive a training wage less than that paid hotel laundry employees for up to 90 days, and then paid the regular wage. Or, Marilyn could be paid a commensurate wage to that earned by hotel employees if her work rates continue at 75% of those of the employees. If this commensurate wage is less than minimum wage ($5.15), the Brentwood Inn and the school district must apply to the DOL Wage and Hour Division for approval under Section 14 of the FLSA. They must obtain the certificate to pay a commensurate wage less than the minimum wage *before* Marilyn's begins part-time employment.

Example 4: Cooperative Vocational Education in a Restaurant

Greg is 19 years old and eligible to graduate from high school at the end of the school year. He has a cognitive disability. Greg is highly verbal and reads at a second grade level. He has basic money skills and knows how to use the bus system in his suburban community. Greg began receiving special education services in the third grade. When he entered high school, Greg was placed in regular classes with resource instruction in reading and math.

Greg has had several encounters with the juvenile authorities while in high school. His most recent, shoplifting, resulted in his spending six months in a juvenile corrections facility. When he returned to school, his IEP team focused his special education program on helping him control his antisocial behavior.

The Transition Component of Greg's IEP

At his IEP/transition planning meeting, Greg said that he was interested in the restaurant business. As part of a consumer education program he took during his junior year Greg had the opportunity to visit a variety of businesses in his community. The ones that attracted his attention were restaurants. The team agreed that one transition component of his IEP should focus on preparing Greg for employment after graduation. Greg's counselor agreed to search for a cooperative vocational education experience in the food industry as part of his special education program.

Greg's IEP Transition Objectives

The transition component of Greg's IEP included the following objectives:

I will:

- Learn how to use correct job interviewing skills.
- Develop a resume with the help of my school counselor and parents.
- Work part-time during the second semester at a job in my community.

Greg's parents worked with him to prepare a resume reviewed by his counselor. The counselor also had Greg complete several job applications, and participate in simulated interviews with school staff and local community business volunteers.

Greg's counselor and special education teacher spoke about him with the manager of Pizza Time Restaurant. The owner agreed to interview Greg with the possibility of offering him a part-time job. The owner understood that if Greg was hired he would be paid the same salary as other employees in that position. Greg would have the opportunity to try several different work tasks under the supervision of the owner or a manager.

The owner interviewed Greg and offered him the job on a trial basis. Greg would work as a utility person clearing dishes and utensils from tables, wiping tables, setting tables, and filling water glasses and salt and pepper containers. The job was 15 hours per week (11:00 am. - 2:00 pm.) for five days a week. Greg would begin during the second semester. His counselor rearranged Greg's second semester classes to fit this work schedule, making sure Greg would be able to meet his IEP goals and graduate.

The restaurant owner and school personnel agreed that this was an educational experience for Greg although he was being paid. The owner would complete a weekly report on Greg's activities and send it

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to the school counselor. Similarly, either Greg's counselor or special education teacher would observe Greg at work at least four times during the semester. His counselor assured the owner that school personnel would help him in working with Greg if necessary.

Greg's Part-time Job at Pizza Time

Greg's counselor went with him to work his first day. Pizza Time owner, Mr. Hargrove, Greg's counselor, and Greg talked about the terms of his employment to clarify expectations. Greg jumped right in to work. Mr. Hargrove's first three weekly reports were very positive. Greg's counselor noted that he was motivated and had a positive attitude toward his work.

Confirmation Letter to Pizza Time Restaurant

Lincoln High School
2115v Mason Blvd.
Taylorsville, IA 24356
(415) 888-0011

October 1, 1998

Mr. Harry Hargrove
Pizza Time Restaurant
75 Rockaway Drive
Taylorsville, IA 24357

Dear Mr. Hargrove:

I am very please that you have offered Greg Nelson part-time employment on a trial basis. Greg will work for you as part of his cooperative vocational education program here at Lincoln High School. We will rearrange Greg's school schedule so that he can work as a utility person during the lunch shift.

We all want this to be a positive learning experience for Greg. I appreciate your willingness to provide him with a variety of expeneences in your restaurant. I believe you will find him to be a good employee who wants to learn.

Greg and his parents understand that he will earn minimum wage (currently $5.15 per hour) while working for you. This is the same wage paid to all new employees in his position. It is also understood that you are under no obligation to retain Greg as an employee when he graduates.

Enclosed is a weekly review sheet for Greg. Thank you for being willing to fill it out and send it to me. Greg and his parents understand that you may terminate his part-time employment if he is not performing adequately. Please do not hesitate to telephone me if at any time you have questions or if we may be of assistance.

Sincerely,

Myrtle Gleason, Counselor
Lincoln High School

During the fourth week, Greg's counselor received a telephone call from Mr. Hargrove. He explained that Greg had reported to work that week in a bad mood and was negative to customers on three occasions. Mr. Hargrove was concerned; he had spoken to Greg about his behavior with little success. Greg's counselor

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telephoned Greg's parents and reported the situation. They spoke with Greg. It seems that Greg's bus ran late that week, and Greg was anxious about getting to work on time. This anxiety showed in his attitude toward his coworkers and customers.

Upon learning of this situation, Greg's counselor called Mr. Hargrove to explain. She also talked with Greg. Since Greg couldn't leave school earlier than 10:15 am., everyone agreed that he wouldn't be penalized if late for work due to traffic and bus operations.

Mr. Hargrove explained this to Greg. With this pressure removed, Greg was fine. Greg's counselor and special education teacher saw Greg's confidence and productivity improve.

Cooperative Vocational Education
Employer's Reporting Form

Student _____

Employer _____

Week of _____

Please rate the student on each of the following using a 5-point scale with 5 as the highest rating and 1 as the lowest.

1. Student reports to work on time	1	2	3	4	5
2. Student finished assigned work	1	2	3	4	5
3. Student respects supervisor and coworkers	1	2	3	4	5
4. Student follows supervisor's directions	1	2	3	4	5
5. Student dresses appropriately	1	2	3	4	5

Comments:

New work activities in which the student engaged this week were:

1.

2.

_____
Employer

_____
Student

The Results of Greg's Cooperative Vocational Education Experience at Pizza Time

Greg worked on Saturdays when regular employees are absent or the restaurant is busy. Mr. Hargrove expanded Greg's responsibilities to include taking carry-out orders on the telephone and working the front counter. As a result, Greg's money skills improved greatly. Greg also got a raise of fifty cents an hour.

Greg's school work did not suffer as a result of his work at Pizza Time. In fact, it improved. Greg's parents believed this was due, in part, to the fact that Mr. Hargrove would ask Greg periodically how his school work was coming along.

Mr. Hargrove offered Greg a full time position as a wait staff following graduation. Greg accepted this offer. In addition, Mr. Hargrove suggested that Greg consider enrolling in a training program for potential restaurant managers while he works at Pizza Time.

Greg's Cooperative Vocational Education Experience and the FLSA

Greg's part-time employment at Pizza Time was consistent with FLSA requirements. Since he earned minimum wages, there was no need to apply for waivers or special certificates from the DOL Wage and

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Hour Division. Greg's employer accepted supervisory responsibility. Since Greg was nineteen years old, there were no restrictions on the number of hours worked in nonhazardous jobs.

The experience met Greg's desire to work and conformed to the transition component of his IEP. While Mr. Hargrove was not obligated to employ Greg after the work-based learning experience, he did so. Greg attained his transition goal of full time employment following high school graduation.

Pizza Time paid Greg, but the school shared responsibility for his work -based learning placement. When Greg experienced difficulties on the job, his counselor and parents helped him resolve the situation. Both Greg's counselor and special education teacher monitored his job performance as needed. The placement was clearly consistent with the definition of cooperative vocational education.

Example 5: Vocational Exploration in a Suburban Community

Stephen is 15 years old and attends high school. He has a cognitive disability with an I.Q of 49. Steven is nonverbal but can recognize picture symbols related to daily activities and use basic signs to communicate. He has received a variety of special education and related services since he was three. During the past school year Stephen was involved in two community-based vocational experiences. The first was in a warehouse where employees sorted paper and other office material for recycling. The other was a maintenance crew in an office building that collected and sorted recyclable materials. A school aide went with Stephen to each of these sites. The school provided transportation.

Stephen's Transition Plan for the 1998-1999 School Year

Stephen, his parents and school staff agreed that Stephen should have more community-based vocational experiences. At his IEP/transition planning meeting, Stephen, his parents and other IEP team members decided that Stephen's transition plan should reflect goals and objectives that not only focused on specific work skills, but also on social skills. Stephen indicated that he is interested in baseball cards, computer games, and television. His father said that Stephen also enjoys physical work, particularly working the yard with him. Stephen and the rest of the team members decided that Stephen would participate in the vocational exploration component of the school's CBVE program, and work on his social skills in community environments. Stephen's teacher contacted Jacobs Lawn and Garden Center, a local garden supply store and nursery.

Stephen's IEP Transition Goal and Objectives

Goal:

I will participate in a minimum of two community-based exploration programs during the first semester of the 1998-1999 school year.

Objectives:

I will:

- Check how I look before going to a site.
- Start conversations with employees at the sites and ask questions about job tasks.
- Participate in IEP meetings and talk about which work experiences I like.

In selecting vocational exploration sites, Stephen's interests and abilities were considered. Team members also felt it was important that Stephen experience work sites different from those he was exposed to in past CBVE activities. Mr. Jacobs, the owner, had not participated in a community-based vocational education program before, but he was willing to try. The teacher explained that Stephen would be scheduled for five one-hour visits to the nursery and would be accompanied by a school aide. The teacher also explained that Stephen was nonverbal, but could converse using basic signs. Mr. Jacobs agreed to show Stephen the basic operations of the garden center and allow Stephen to try some things with the aide's permission and supervision.

An aide in Stephen's school knew the owner of the Sports Time Card Shop, a small business operated by the owner with part-time help on weekends. Stephen's teacher and aide went to see the card shop owner to discuss the possibility of a vocational exploration placement for Stephen. The owner was

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Parent Confirmation Letter

Oakdale High School
1000 Washington Street
Locus Grove, Georgia 76666
(513) 667-7778

September 25, 1998
Mr. and Mrs. Harold Hendrix
22 Rose Street
Locus Grove, GA 76667

Dear Mr. and Mrs. Hendrix

I am pleased to confirm that we have found two community-based vocational exploration sites for Stephen, as part of his special education program this year. These sites are the Jacobs Lawn and Garden Shop, and The Sports Time athletic car shop. Stephen will spend no more than five hours observing and talking with employees at each site. Mrs. LaMore, a school aide, will accompany Stephen to Jacobs Lawn and Garden Shop. I will be with Stephen at Sports Time.

The purpose of these exploratory activities is to allow Stephen to observe a variety of job situations to help him make vocational decisions. Stephen will not be expected to work during his visits, but he may participate in some tasks to increase his understanding of the jobs carried out there. Stephen will not receive any wages for these activities.

Mrs. LaMore and I will keep notes on Stephen's experiences and share them with you. We also encourage you to discuss with Stephen his experiences. This will help all of us in developing vocational plans with Stephen in the future.

Sincerely,

Ellen Treadwell
Department of Special Services

hesitant, primarily because of the value of some cards in the shop. When the teacher agreed to be on site with Stephen, the owner agreed.

Stephen's teacher sent a follow-up letter to the owner of both businesses and to Stephen's parents confirming the exploratory placement, the purpose, and the requirements. In the letter to Stephen's parents, Stephen's teacher provided a description of each site. The letter to the business owners outlined the purpose of Stephen's visits and the obligations of the businesses and the school. His parents gave their permission for Stephen to participate in these vocational exploration activities.

Stephen's Vocational Exploration Experiences

Jacobs Lawn and Garden Center: At the nursery, Stephen watched general maintenance activities like stocking, loading and unloading trucks, and cleaning equipment. He also watched employees watering shrubs, planting flowers, and repotting bushes in the greenhouse. He particularly liked an older worker who showed him how to snip dead leaves from plants. During Stephen's visits to the nursery, the owner and the older worker took extra time with him. They even learned a few basic signs from Stephen to assist in communicating.

Stephen asked several questions during his visits to the nursery. With the help of his aide Stephen asked how often plants needed to be watered, why some plants were grown in the hothouse, and how old people had to be to work at the nursery. Stephen's aide commented to his parents and teacher

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that she had never seen him so outgoing. Stephen was most happy when he was outside in the tree operation of the business. He particularly liked bagging young trees for sale. Stephen signed to the aide and the nursery owner that he would like to plant a tree. The owner told him that he hoped he would have the chance to do that.

Sports Time Card Shop: Stephen was very excited when he entered the card shop. He wanted to look at and touch everything. The owner was nervous. He said that sorting through cards he got at card shows was a big job. Cards are sorted by team, year, and value. The teacher asked if Stephen could try sorting cards by team. The owner had a stack of cards that he didn't consider to have much value and he hadn't had time to sort. Stephen's task was to sort the cards by team, which he picked by players' uniforms. The teacher noted that Stephen was more interested in examining than sorting each card. She terminated the activity after fifteen minutes. The remainder of Stephen's first visit was spent with the owner as he organized display cases. Stephen showed little interest in this activity. The second and third visits to the card store did not go well, according to the anecdotal records kept by the teacher. Stephen lost interest quickly in the routine tasks of the card shop, and the owner was not comfortable with the situation. Stephen decided he wanted to stop his exploratory visits to the card shop.

The Results of Stephen's Vocational Exploration Experiences

Stephen, his family, and his teacher met to discuss the results of his experiences. While they agreed that the experience with Sports Time Card Shop had not worked out, it provided information that was useful to future decision making. Stephen really enjoyed Jacobs Lawn and Garden Center and had asked to work there again. Stephen's parents said that he was really excited on the days that he went to the nursery. They noticed a difference in his dress and his attitude about going to school. They also said that Stephen talked about his visits and even offered his dad some tips on gardening. The team decided that Stephen's teacher would contact Mr. Jacobs, the owner, to explore the possibility of using the nursery as an assessment site.

Stephen's Vocational Exploratory Experiences and the FLSA

Vocational exploration proved to be a valuable activity for Stephen, his parents, and his teachers to use in identifying future transition goals and objectives. The planning, preparation, and supervision were all carried out according to the guidelines governing nonemployment placements established by the U.S. Departments of Labor and Education. Stephen's parents appeared fully informed; the experiences were clearly consistent with Stephen's IEP.

The school could pursue placing Stephen in Jacobs Lawn and Garden Center during this school year as a vocational assessment activity. More than one CBVE component can occur in a single school year as long as the maximum hour requirements for each component are not exceeded.

Example 6: Vocational Assessment in a Large Business

Mindy is 16 years old and is a sophomore in high school. She has cerebral palsy and uses a motorized wheel chair to travel from place to place and has a cognitive disability with an I.Q of 70. Mindy talks using a Dynavox (a voice computer), along with facial expressions and gestures. She is very social, never hesitating to initiate conversations with others.

The Transition Component of Mindy's IEP

The previous transition component of Mindy's IEP established a goal that she would be employed, with appropriate supports, in the community after high school. Mindy's vocational exploration experiences within the school included observing other students sort bottles and cans from the refreshment machines, and assisting office staff in filing student records. At Mindy's most recent IEP/transition planning meeting, Mindy, her parents, and other team members decided that Mindy would have more vocational opportunities in the community. Team members, including Mindy, concurred that she wanted to go into the assessment phase of her CBVE.

Mindy's Long-Term Transition Goal and Objectives

Goal:

I will be employed, with appropriate supports, in the community after high school.

Objectives:

I will:

- Participate in vocational exploration within the school setting.
- Participate in IEP meetings and express my preferences for work experiences.
- Learn new vocabulary on the Dynavox related to work and work activities.
- Help with weight-bearing during toileting.

Taking Mindy's interests and abilities into consideration, the school's job developer identified an assessment site at Global Operations, Inc., an office operation that sorts a variety of records and other office supplies, and shreds unwanted materials. Global Operations, Inc. agreed to serve as an assessment site for Mindy, and after visiting Global Operations, Mindy and her parents agreed to the vocational placement. Mindy's vocational assessment would be under the direct supervision of the job developer, who would always be present.

Mindy's Transition Objectives for Her Vocational Assessment at Global Operations, Inc.

I will:

- Use my Dynavox to ask for records to be sorted, shredded, or recycled, as observed by my job developer.
- Work at a steady pace, as observed by my job developer.
- Work for one-hour periods, as observed by my job developer.
- Travel by myself from the school bus to Global Operations and use the elevator.
- Ask for help to use the bathroom when I need it.

Mindy and the rest of the IEP team members met again and developed transition objectives with her in this site. The assessment objectives did not include work and social interactions with supervisors and coworkers. Rather, this activity focused on Mindy's mobility, communication capabilities, task performance, and stamina. A job coach would accompany Mindy to the work site and keep anecdotal records of her interactions with employees and use these as a basis for developing subsequent assessments in other sites.

Preparations at Global Operations, Inc.

The job developer visited Global Operations three times prior to Mindy's placement there. He observed the office routines, figured out the work rates of other employees, met with the RS counselor seeking assistive technology information that would support Mindy, and talked with Mindy's supervisor and coworkers. After these visits, he developed an assessment plan. The plan assessed Mindy's:

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- Leaving the school bus, entering the building, using the evaluator and reporting to her work station.
- Reporting to her work supervisor and requesting her assignment.
- Retrieving documents.
- Sorting documents to be shredded or recycled.
- Shredding the correct documents.
- Requesting assistance from a coworker in using the rest room.

Mindy's Vocational Assessment at Global Operations

Mindy's job coach designed a process for introducing Mindy to her vocational assessment activities. On the first trip to Global Operations, he helped Mindy into the building and told her that her work station was on the 6th floor. He asked if she knew how to use the elevator. She did and promptly pushed the *up* button. In the elevator Mindy knew that she needed to push a button for the 6th floor, but was not sure which button to push. The job coach helped by showing Mindy the 6th floor button. Once on the 6th floor, Mindy met her supervisor and learned that she would report to her supervisor whenever she came to the office. Mindy successfully returned to the elevator, pushed the *down* button, and learned to select *lobby* to get to the ground floor.

Mindy's second visit was like her first. In addition, her job coach introduced Mindy to the employee who would provide her with the materials for sorting, shredding, or recycling. On the trip out of the building, Mindy's job coach noticed her hesitancy to enter the elevator with other people. He suggested that she say *excuse me* and back her wheel chair inside.

Parent Permission Form

Rosecroft Public Schools Community-based Vocational Education Program

I gave permission for my daughter, Mindy Lovell, to participate in a community-based vocational assessment activity. The purpose of this activity is to identify specific training objectives Mindy must meet to achieve her transition goal of employment in the community following high school.

I understand that because this activity is part of Mindy's special education program, she will receive no wages while participating in this assessment. Nor is she expected to contribute to business operations. Mindy will spend no more than 90 hours in any one job assignment during this school year, although she may participate in more than one vocational assessment activity.

I understand that Rosecroft High School personnel will maintain responsibility for and supervision of Mindy at all times. In particular, school personnel will accompany Mindy to and from the vocational assessment sites using the school transportation, and remain with her at all times.

I understand that if Mindy's participation is not acceptable to me, the school, or the business, these activities will cease.

_____

William Lovell

During the third visit, her job coach showed Mindy how to retrieve the materials she would need to do her job. Mindy independently got to her work station and requested her assignment. When she went to the distribution point, however, she did not ask for documents to be sorted. The job coach waited, but eventually gave her a cue to request her work.

As new tasks were introduced, Mindy's job coach tracked her time-on-task behavior. He began with 15 minute intervals and continued to lengthen them up to one hour. Mindy enjoyed the work and quickly met her job criteria.

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Mindy seemed comfortable with the coworker, also female, who provided her with the materials for completing job tasks. She initiated conversation with her, joking around or asking her questions related to Mindy's job tasks. Mindy asked her coworker if she would accompany her to the restroom and assist her when necessary. The coworker agreed to do this. Mindy's job coach complemented her on her self-assertiveness in asking this coworker to assist her.

The Results of Mindy's Vocational Assessment

Mindy remained in this assessment situation for two months, working two hours per day, four days per week. Mindy's job developer ended the activity, having collected adequate assessment data on Mindy's transition objectives. He concluded that Mindy could and did respond appropriately to the work situation. She had the necessary independent mobility to enter the office, the communication skills to request work, the organizational skills to follow directions, and the stamina and task behavior to complete assignments. He believed that Mindy could benefit from more assessment activities in other settings. He asked Mindy if she wanted more assessment experience. She stated that she did.

The job developer, job coach, Mindy and her parents discussed the assessment results. Mindy enjoyed her assessment experience and her parents were pleased that Mindy was sharing her work experiences with them, Her parents discussed their jobs with her and were encouraged by the way in which Mindy was able to relate to the work world.

Planning Mindy's Next Vocational Assessment

The job developer maintained his recommendation that Mindy participate in more assessment situations to make sure she had generalized the behavior she exhibited in this situation. He also wanted to expand the vocational assessment component to look at additional social skills, particularly interactions with coworkers. He explained that Mindy's past worksite tended to isolate employees because of the nature of the work. Mindy and her parents agreed that additional assessment situations would be helpful, particularly since Mindy had limited exploration experiences.

At a subsequent IEP meeting, Mindy and the other team members discussed the possibility of Mindy participating in a vocational assessment at a local thrift store. This experience would allow Mindy to enhance her independence. The store was on a transportation line served by buses equipped for wheel chairs, thus Mindy would have the opportunity to ride the city bus. Mindy would be involved in sorting clothing items collected by type and quality. Mindy stated that she enjoyed her job tasks at Global Operations, which also involved sorting, and that she would like to work at the thrift store. The job developer and job coach would remain involved and collect data without intruding.

Mindy's Vocational Assessment and the FLSA

Mindy's CBVE vocational assessment activities were planned and conducted according to the FLSA guidelines for such experiences. The assignment was consistent with Mindy's transition goals and objectives. Mindy and her parents were involved in the process. The school's job coach supervised Mindy on the job. The assessment results provided useful information on Mindy's transition objectives and in planning Mindy's subsequent CBVE assessment activities.

Mindy's job developer was extremely conscientious in adhering to FLSA guidelines. Had Mindy remained at Global Operations much longer, she would have exceeded the 90 hour limit established under the FLSA guidelines for vocational assessment. Both the job developer and Mindy's parents believed that the Global Operations placement had yielded all of the possible assessment data, and that a second site was needed to assess Mindy's independent performance in a more integrated setting. They reconvened the IEP team and selected the thrift store as a subsequent vocational assessment site for Mindy.

Example 7: Vocational Training in Three Community Settings

Jason is a high school junior with moderate mental retardation. He is currently receiving instruction in reading and language arts, physical education, consumer math and industrial arts. Jason reads at approximately the third grade level. He travels throughout the community by himself on his bicycle. Community-based Vocational Education is part of Jason's special education program.

The Transition Component of Jason's IEP

Last year Jason's CBVE program included a vocational assessment as part of his industrial arts program. The assessment showed that Jason had a variety of vocational interests, good hand/eye coordination, the ability to follow written and verbal instructions, and performed tasks accurately and efficiently. Jason and his parents agreed with school personnel that no additional assessment was required; Jason could go directly into vocational training in a community setting.

Jason's Transition Goal and Objectives

Goal:

I will receive vocational training at three worksites in the community.

Objectives

I will:

- Use a time clock correctly to begin and end work, as observed by my job coach and supervisor.
- Arrive at work on time and follow a break schedule, as observed by my job coach and supervisor.
- Talk correctly with supervisors and coworkers.
- Participate in my work evaluations, adding positive and negative comments and accepting constructive comments.
- Read work information and follow directions, as observed by my job coach and supervisor.

During an IEP/transition planning meeting held at the beginning of the school year, Jason, his parents, and the other IEP team members established the transition goal that Jason would receive training in three job sites. Each training opportunity would be approximately eight weeks in length, three hours per day. Jason's involvement in multiple job sites would enable him to generalize basic job skills. The team agreed that Jason would visit perspective training sites and make his own selections.

Jason's Vocational Training Experiences

Jason observed and interviewed at five worksites. He selected three for his vocational training experiences: a hospital, a grocery store, and a hardware store. Jason and his job coach developed specific competencies for him to attain during each vocational training experience. They are as follows:

- **Whitefield Farms Groceries:** Packing a grocery bag; collecting carts from parking lot; street safety; stocking shelves; mopping/cleaning up spills and broken glass; sweeping; loading groceries into cars.
- **Marion County General Hospital:** Delivering meal trays to patient rooms; matching the name on the tray to the name on the bed; pushing large delivery cart with trays to rooms on three floors; loading cart for delivery; collecting trays after meals; emptying cart, disposing of trash and sorting utensils, glassware, and plates; loading dishwasher; providing patients with basic assistance.
- **Morgan's Hardware Store, Inc.:** Sweeping aisles; unloading and loading supply trucks; loading customer cars; stocking shelves; pricing hardware items; helping customers, directing customers to appropriate personnel for assistance.

Jason's job coach went with him during the first few weeks he was involved in each site. The coach instructed and helped Jason in interacting with employees. An employee in each site supervised Jason's training after this introductory period. The job coach or other school staff met with the employee and

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Jason weekly. School staff recorded and compiled case notes on Jason's progress at each training site. Written evaluations occurred at the end of the job coach's supervisory period and at the end of the training experience. The employee, a supervisor, Jason, and the job coach participated in these evaluations.

The Results of Jason's Vocational Training Experiences

Jason was successful in all three training situations according to his job coach and the evaluations of the site employees and supervisors. Jason's parents reported that he obviously enjoyed working because he frequently told them about his experiences and interactions with coworkers. All of Jason's site supervisors commented on his positive attitude and willingness to take on any tasks assigned. Jason said he liked all three jobs, but particularly enjoyed interacting with the patients at the hospital. His hospital supervisor mentioned the possibility of hiring him as an orderly during the summer.

Jason's Vocational Training Program and the Fi.SA

Jason's vocational training experiences were extremely successful. They were also planned and carried out according to the FLSA guidelines for vocational training. Should Marion County General Hospital offer Jason employment as an orderly this summer, support may be available through State and Local Workforce Investment Systems. Or, Jason could elect to work for the hospital in a cooperative vocational education arrangement by enrolling in summer school at DeWeb Senior High. School personnel would have to be available to share responsibility and supervisory duties as needed. Jason's IEP would have to provide for such a CBVE experience. Both the school and the hospital would have to decide if Jason's employment required any waivers from the DOL Wage and Hour Division. This would depend on the hourly wage the hospital offered to Jason.

Vocational Training Agreement

September 1, 1998

The following agreement establishes a vocational training program for Jason Blackwell at the **Marion County General Hospital (MCGH).**

Jason will receive vocational training for eight weeks (beginning November 1, 1999), three hours per day. Jason will be under the direct supervision of Mrs. Harriet Hanson, DeWeb job coach, and report to Mr. Lewis Waters, MCGH orderly supervisor.

During this period Jason will receive training in the following areas: *Delivering trays to patients, matching the name on the tray to the name on the bed; collecting trays after meals; emptying tray carts, disposing of trash, sorting utensils, glassware and plates; loading dishwashers and; providing patients with basic assistance.* Jason may be assigned additional training activities by mutual agreement of Jason, his parents, Mrs. Hanson, and Mr. Lewis.

Mrs. Hanson will be on site to assist with the training for a minimum of two weeks. After that time, Mrs. Hanson and Mr. Waters will decide Jason's need for additional supervision. Mrs. Hanson and Mr. Walters will record Jason's training activities and provide Jason with daily reactions. Each Friday during the training period, Mrs. Hanson, Mr. Walters, and Jason will discuss the week's activities and determine a schedule of activities for the next week.

- Jason will receive no pay during his training.
- Jason will not replace or displace hospital employees during his training.
- Marion County General Hospital is under no obligation to hire Jason at the conclusion of his training.

Jason Blackwell	Charles and Helen Blackwell
Harriet Hanson, DeWeb Senior High School	Lewis Waters, Marion County General Hospital

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Example 8: Cooperative Vocational Education in a Bank

Raymond is 20 years old and lives in a group home. He has cerebral palsy and uses a walker and both, manual and motorized wheelchairs. Raymond is nonverbal and uses a communication system. He is in his last year of high school. Raymond makes clear choices and has strong preferences.

The Job at the Local Bank

Raymond's goal is to secure paid employment in his community. The local bank, previously involved with Raymond as a vocational assessment and training site, wants to hire him, and Raymond stated he would like to work there. The bank wants to pay Raymond an hourly wage below minimum wage, so they must obtain a special certificate under Section 14 of the FLSA. Raymond's vocational rehabilitation counselor helped the bank obtain the special certificate establishing Raymond's commensurate hourly wage. His counselor made sure the bank had the certificate *before* employing Raymond through the cooperative vocational education program. Bank personnel agreed to review Raymond's productivity rate every six months and adjust his salary accordingly. Tasks Raymond will perform at his bank job include: shredding unwanted material; operating the microfiche system; zip stripping checks; and delivering interoffice mail.

Raymond's IEP Transition Goal and Objectives

Goal:

I will work in the bank's main office.

Objectives:

I will:

- Start conversations with my supervisor and coworkers.
- Respect others' personal space.
- Work for up to two hours at a time.
- Move from one task to another without supervision.
- Use the rest room by myself, or ask for help when I need it.
- Participate in my work evaluations.

The Transition Component of Raymond's IEP

Raymond has had a surrogate parent represent him in special education issues since he was 17. He and his surrogate parent are active members of the IEP team and attend IEP/transition planning meetings. Raymond and the other IEP team members established the transition goal that Raymond will work in the bank's main office.

The group home staff will provide Raymond's transportation to and from work. Raymond will work 9:30 am - 3:00 pm., Monday through Friday. A job coach from rehab services will accompany Raymond to work during the first three months of his employment. During this initial phase, Raymond will work in 15 minute segments with five-minute breaks while he is building stamina.

Raymond's Experiences at the Bank

Raymond's RS counselor had previously placed clients in the bank setting and was familiar with the work that Raymond would be doing. Raymond's bank supervisor and his RS counselor had previously established a productivity rate per task for an employee without disabilities. Initially, Raymond was able to work at 25 percent of that rate. Raymond's supervisor at the bank agreed that as Raymond's productivity increased, his salary would increase accordingly.

The first day on the job, Raymond's job coach introduced him to his supervisor. Raymond later told his job coach that he was worried because his new supervisor was a woman. However, Raymond remembered several of his coworkers and seemed happy to see them.

Raymond had received training in each task he would perform during his cooperative vocational education experience at the bank during his vocational training placement there. So, his job coach spent the first week detecting whether Raymond had retained his skills and productivity rate. Raymond

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showed that he had retained the skills, but his production rate was down. His job coach thought this was due to little practice. He decided to target each task separately until that task productivity rate increased before moving to multiple task assignments. Raymond's job coach and bank supervisor worked out this program. Raymond reported to his supervisor for direction each day.

Raymond's job coach saw that he was reluctant to interact with his supervisor. The bank supervisor confided to the job coach that she was also uncomfortable working with Raymond. His job coach explained Raymond's communication system to her, stating that she should speak to Raymond directly and not through him. By the end of the second week, the relationship was less strained. Raymond reported to and received assignments from his supervisor, but the relationship remained formal. Raymond was much more outgoing around his coworkers.

When Raymond's productivity rates returned to their previous levels, he was assigned multiple tasks. Raymond maintained these rates, and sometimes increased them. Raymond progressed to multiple task assignments. However, he had problems keeping these assignments in order. His job coach instituted verbal cues about task sequence, choosing these rather than a manual system. He worked with bank employees, and they gave Raymond verbal cues as well.

When Raymond received his first paycheck, he was confused. His previous money experiences had been with cash, which he had used to buy personal items. His job coach realized that he would have to add a training activity to Raymond's program: opening and using a checking account. A bank clerk volunteered to help. Raymond wanted to see his money, which the clerk arranged. Then they deposited his money into his checking account. When Raymond wanted to cash a check, he went to the clerk for assistance. The clerk also began to take breaks with Raymond. They would go to the deli across the street where he would select snacks. The clerk worked with Raymond on how to give the next highest amount of money and receive change. Soon Raymond was picking up sandwiches and drinks for other employees at lunchtime. His job coach noted that Raymond really liked "showing off" his new money skills.

At the end of three months, his job coach began to spend less time with Raymond. He told Raymond's supervisor he felt he could leave completely, but would remain on call. Raymond's supervisor was concerned. After a discussion with the supervisor and Raymond, his job coach suggested that Raymond report to another supervisor to receive his instructions for the day.

The Results of Raymond's Cooperative Vocational Education Experience

Raymond's job coach or another bank employee continued to monitor Raymond's productivity rates. Everyone agreed that Raymond, his RS counselor and job coach, and the supervisor would formally evaluate Raymond's work in six months, and explore the possibility of continued employment when Raymond leaves school.

Raymond's Vocational Education Experience and the FLSA

Raymond's cooperative vocational education experience was consistent with his IEP/transition plan. His employment with the bank was entirely consistent with FLSA requirements. School personnel, Raymond's RS counselor and the bank personnel were careful to obtain a special wage certificate before Raymond began work. Under this certificate, they paid Raymond the commensurate wage of $2.75, an hourly rate based on his productivity as compared to nondisabled employees doing the same work. Raymond is not entitled to permanent employment when he leaves school. However, the bank did agree to consider this possibility, and increase his hourly wage based on performance his during the next six months.

Raymond's RS counselor and school personnel worked cooperatively to carry out Raymond's cooperative vocational education placement. When Raymond and his bank supervisor had difficulty relating to each other, his job coach initiated a positive change. His job coach was alert in adding the activity of managing a checking account to Raymond's work-based learning experience.

Appendix A

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

Regional Administrators

DOL Regional Administrators	States Served
❑ Mark Price Northeast Regional Office, DOL Gateway Building, Room 15210 3535 Market St. Philadelphia, PA 19104 (215) 596-1012 Fax: (215) 596-1479	Connecticut•Maine•Massachusetts• Rhode Island•Vermont• New Hampshire•New York•New Jersey•Delaware•District of Columbia•Maryland•Pennsylvania, Virginia•West Virginia
❑ Gary Edwards Southwest Regional Office, DOL 525 South Griffin St., Room 800 Dallas, TX 75202 (214) 767-6895, Ext. 242 Fax: (214) 767-2730	Arkansas•Louisiana•New Mexico• Oklahoma•Texas•Colorado•Utah• Wyoming•Montana•North Dakota•South Dakota
❑ Nancy Madison Midwest Regional Office, DOL 230 South Dearborn St., Rooms 820 & 816 Chicago, IL 60604 (312) 353-5389 Fax: (312) 353-3835 *(Note: Sub-minimum wage certificates are issued through the Midwest Regional Office)*	Illinois•Indiana•Michigan, Minnesota•Ohio•Wisconsin• Iowa•Kansas•Missouri•Nebraska
❑ Diane Reese Western Regional Office, DOL 71 Stevenson St., Suite 930 San Francisco, CA 94105 (415) 975-4510 Fax: (415) 975-4539	Arizona• California•Hawaii•Nevada, Guam•Alaska•Idaho•Oregon• Washington
❑ Randy Davis Southeast Regional Office, DOL Atlanta Federal Center 61 Forsyth St., SW, Room 7M40 Atlanta, GA 30303 404) 562-2202 Fax: (404) 562-2224	Alabama•Florida•Georgia, Mississippi•North Carolina• South Carolina•Kentucky• Tennessee

Appendix B

Organizations Providing Assistance in the Planning of Transition Services for Youth with Disabilities

- Office of Special Education Programs Regional and Federal Resource Centers
- Office of Special Education Programs State Transition Systems Change Grantees

Regional and Federal Resource Centers

❑ **Northeast Regional Resource Center**
Lucy Ely-Pagan
Trinity College of Vermont
McAuley Hall
208 Colchester Avenue
Burlington, VT 05401-1496
(802) 658-5036 FAX: (802) 658-7435
TTY: (802) 860-1428
E-mail: lucyely@aol.com
Web site: http://www.trinityvt.edu/nerrc/
States served: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey

❑ **MidSouth Regional Resource Center**
Ken Olson, Director
Interdisciplinary Human Development Institute
University of Kentucky
126 Mineral Industries Building
Lexington, KY 40506-0051
(606) 257-4921 FAX: (606) 257-4353
TTY: (606) 257-2903
E-mail: olsenk@ihdi.uky.edu
E-mail: MSRRC@ihdi.uky.edu
Web site: http://www.ihdi.uky.edu/projects/MSRRC/
States served: Delaware, District of Columbia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia

❑ **Southeast Regional Resource Center**
Marian Parker
Auburn University
Montgomery School of Education
P.O. Box 244023
Montgomery, AL 36124
(334) 244-3106 FAX: (334)244-3101
E-mail: mparker@edla.aum.edu
States served: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Puerto Rico, Texas, Virgin Islands

❑ **Great Lakes Area Regional Resource Center**
Tonette Rocco
Center for Special Needs Populations
Ohio State University
700 Ackerman Road, Suite 440
Columbus, OH 43202
(614) 447-0844 Ext. 107 FAX: (614) 447-9043
TTY: (614) 447-8776
E-mail: rocco.6@osu.edu
Web site: http://www.csnp.ohio-state.edu/glarrc.htm
States served: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Wisconsin

❑ **Mountain Plains Regional Resource Center**
Ed O'Leary
Utah State University
Center for Persons with Disabilities
6800 Old Main Hall
Logan, UT 84322-6800
(435) 752-0238 Ext. 24 FAX: (435) 797-3944
TDD: (435) 797-1981
E-mail: eoleary@rapidnet.com
Web site: http://www.usu.edu/~mprrc
States served: Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, Wyoming, Bureau of Indian Affairs

❑ **Western Regional Resource Center**
Jane Storms and Patty Zembrosky Barkin
College of Education
1268 University of Oregon
Eugene, OR 97403-1268
(541) 346-5641 FAX: (541) 346-5639
TTY: (541) 346-0367
E-mail: wrrc@oregon.uoregon.edu
Web site: http://interact.uoregon.edu/wrrc/wrrc.html
States served: Alaska, American Samoa, California, Federated States of Micronesia, Guam, Hawaii, Idaho, Nevada, Commonwealth of the Northern Mariana Islands, Oregon, Republic of the Marshall Islands, Republic of Palau, Washington

❑ **Federal Resource Center for Special Education**
Carol Valdivieso, Director
1875 Connecticut Avenue NW, Suite 900
Washington, DC 20009
(202) 884-8215 FAX: (202) 884-8443
1-800-695-0285
E-mail: frc@aed.org
Web site: http://www.dssc.org/frc
States Served: National

State Transition Systems Change Projects
Key Contacts

Alabama
Karen Rabren
Alabama Department of Education
Special Department Services
50 North Ripley Street
Gordon Persons Building
Montgomery, AL 36130
(334) 242-8114 FAX: (334) 242-9192
Web Site: http://www.alsde.edu/ati

Alaska
Lynn Kenney
Anchorage Administrative Office
Division of Vocational Rehabilitation
1016 W. 6th Ave., Suite 105
Anchorage, AK 99501
(907)269-3575 FAX: (907) 269-3632
E-mail: lkenney@labor.state.ak.us
Web Site: http://www.sesa.org/ati/

Arizona
Laura Love
InterAct Arizona
College of Education - 3151
Arizona State University West
4701 West Thunderbird Road
P.O. Box 37100
Phoenix, AZ 85069-7100
(602) 543-3251 FAX: (602) 543-3206
E-mail: laura.love@asu.edu

Arkansas
Virginia Clements
Division of Special Education
#4 State Capitol Mall Room 105C
Little Rock, AR 72203
(501) 682-4299 FAX: (501) 682-5168
clements@arkedu.k12.ar.us

California
Judy Reichle
California Department of Education
Special Education Division
515 L Street, Suite 270
Sacramento, CA 95814
(916) 327-4214 FAX: (916) 327-3516
E-mail: jreichle@cde.ca.gov
Web Site: http://www.sna.com/switp

Colorado
Barbara Palmer
Colorado Department of Education
Special Education Services Unit
201 East Colfax Avenue, Room 300
Denver, CO 80203
(303) 866-6721 FAX: (303) 866-6811
E-mail: palmer_b@cde.state.co.us

Connecticut
Karen Halliday
Connecticut State Department of Education
25 Industrial Park Road
Middletown, CT 06457
(860) 807-2020 FAX: (860) 807-2047
karen.halliday@po.state.ct.us

Delaware
Mark Chamberlin
Department of Education
P.O. Box 1402
Dover, DE 19903
(302) 739-4667 FAX: (302) 739-2388
E-mail: mchamberlin@state.de.us
Web Site: http://www.doe.state.de.us

District of Columbia
Paula McClain
District of Columbia Public Schools
Vocational Transition Services Unit
Walker Jones Elementary School
First and L Streets, NW, Room 301
Washington, DC 20001
(202) 724-3882/3883 (Voice/TTY) FAX: (202) 724-3884

Florida
Michele Polland
Florida Department of Education
Bureau of Instructional Support and Community Services
614 Turlington Building
325 W. Gaines Street
Tallahassee, FL 32399
(850) 488-1106 FAX: (850) 922-7088
E-Mail: pollanm@mail.doe.state.fl.us

Hawaii
Luana S. Nakano
637 18th Avenue
Honolulu HI 96816
(808) 733-4839 FAX: (808) 733-4841
E-mail: luana_nakano@notes.k12.hi.us

Illinois
Tanya Bryant Patton
Illinois State Board of Education
100 W. Randolph Street
Suite 14-30
Chicago, IL 60601
(312) 814-3850 FAX: (312) 814-2282
E-mail: tpatton@smtp.isbe.state.il.us

Indiana
Teresa Grossi
Indiana Institute on Disability and Community
The University Affiliated Program of Indiana
2853 East 10th Street
Bloomington, IN 47408
(812) 855-6508 FAX: (812) 855-9630

Iowa
Barbara Guy
Iowa Department of Education
Grimes State Office Building
400 East 14th Street
Des Moines, IA 50319
(515) 281-5265 FAX: (515) 242-6019
E-mail: guy@ed.state.ia.us

Kansas
Wendy Blaauw
Student Support Services
Kansas State Department of Education
120 SE 10th
Topeka, KS 66612
(785) 296-0948 FAX: (785) 296-1413
E-Mail: wblaauw@ksbe.state.ks.us
Web Site: http://www.ksbe.state.ks.us

Kentucky
Ron Harrison
IHDI - University of Kentucky
110 Mineral Industries Building
Lexington, KY 40506-0051
(606) 257-4408 FAX: (606) 323-1713
E-mail: ronh@ihdi.ihdi.uky.edu
Web Site: http://ihdi.ihdi.uky.edu

Louisiana
Jane Everson and Joan Guillory
Louisiana State University Medical Center
Human Development Center
1100 Florida Avenue, Building 119
New Orleans, LA 70119
(504) 942-5902 FAX: (504) 942-5908
Toll free: 1-888-942-8014 TDD: (504) 942-5900
E-mail: JEverson@hdc.lsumc.edu (Jane Everson)
JGuillory@hdc.lsumc.edu (Joan Guillory)

Maine
Larry Glantz
Muskie School of Public Service
University of Southern Maine
P.O. Box 15010
Portland, ME 04112-5010
(207) 780-5873 FAX: (207) 780-5817
E-mail: glantz@usm.maine.edu
Web Site: http://www.muskie.usm.maine.edu/research/disability/ideas.htm

Maryland
Berenda Riedl
Maryland State Department of Education
Division of Rehabilitation Services
2301 Argonne Drive
Baltimore, MD 21218
(410) 554-9417 FAX: (410) 554-9412

Massachusetts
Anna Thorpe
Massachusetts Department of Education
Educational Improvement Group
School to Employment Cluster
350 Main Street
Malden, MA 02148-5023
(781) 388-3300 Ext. 182 FAX: (781) 388-3396
E-mail: athorpe@doe.mass.edu
Web Site: http://www.doe.mass.edu

Michigan
Rosanne Renauer
c/o Michigan Jobs Commission - Rehabilitation Services
P.O. Box 30010
Lansing, MI 48909
(517) 373-4056 FAX: (517) 373-4479
E-mail: renauerr@state.mi.us

Minnesota
Jayne Spain
Minnesota Department of Children, Families, and Learning
Interagency Office on Transition Services
1500 Highway 36 West
Roseville, MN 55113-4266
(651) 582-8200 FAX: (651) 582-8492
E-mail: spain.jayne@state.mn.us

Mississippi
Troy James
Mississippi Department of Education
Office of Special Education
P.O. Box 771
Jackson, MS 39205
(601) 359-3498 FAX: (601) 359-2198
E-mail: tjames@mdek12.state.ms.us
Web Sites: http://mdek12.state.ms.us/
http://mdek12.state.ms.us/ods/sped.htm

Missouri
John Bamberg
Department of Elementary and Secondary Education
Division of Special Education
Program Development Section
P.O. Box 480
Jefferson City, MO 65102-0480
(573) 526-0298 FAX: (573) 526-5946
E-mail: jbamberg@mail.dese.state.mo.us

Montana
Martha Lehman and Robert Runkel
Montana Office of Public Instruction
State Capitol P.O. Box 202501
Helena, MT 59620-2501
(406) 444-4429 FAX: (406) 444-3924
E-mail: mlehman@state.mt.us (Martha)

Nebraska
Jack Shepard
Nebraska Department of Education
2727 West Second Street
Landmark Center, Suite 470
Hastings, NE 68901
(402) 462-1923 FAX: (402) 462-1703
E-mail: jack_s@nde4.nde.state.ne.us

New Hampshire
Carol Tashie
Institute on Disability (UAP)
University of New Hampshire
10 Ferry Street, #14
Concord, NH 03301
(603) 228-2084 FAX: (603) 228-3270

New Jersey
Bob Haugh
New Jersey Department of Education
Office of Special Education Programs
P.O. Box 500
Trenton, NJ 08625-0500
(609) 633-6431 FAX: (609) 292-5558
TTY: (609) 984-8432
E-mail: rhaugh@doe.state.nj.us
Web Site: http://www.state.nj.us/education/

New Mexico
Kelly Davis
New Mexico Department of Vocational Rehabilitation
Division of Special Programs
435 St. Michaels Drive, Building D
Santa Fe, NM 87505
(505) 954-8523 FAX: (505) 954-8562
Toll free: (800) 318-1469

New York
Nancy Lauria
Office of Vocational and Educational Services
One Commerce Plaza, Room 1609
Albany, NY 12234
(518) 474-7566 FAX: (518) 473-0721
E-mail: nlauria@mail.nysed.gov
Web Site: http://web.nysed.gov/vesid/sped/trans/tranmain.htm

North Carolina
Freda Lee
Department of Public Instruction
Exceptional Children's Services Division
301 N. Wilmington Street
North Carolina Education Building
Raleigh, NC 27601-2825
(919) 715-2003 FAX: (919) 715-1569
E-mail: flee@smtp.dp.state.nc.us

North Dakota
Valerie Fischer
North Dakota Department of Public Instruction
Office of Special Education
State Capitol, 10th Floor
Bismarck, ND 58505-0440
(701) 328-3435 FAX: (701) 328-4149
E-mail: vfischer@mail.dpi.state.nd.us

Ohio
Lawrence Dennis
Ohio Department of Education
Division of Special Education
933 High Street
Worthington, OH 43085
(614) 466-2650 FAX: (614) 728-1097
E-mail: se_dennis@ode.ohio.gov

Oklahoma
Charlotte Dean
Oklahoma State Department of Education
Special Education Services
2500 North Lincoln Boulevard
Oklahoma City, OK 73106
(405) 521-3351 FAX: (405) 522-3503

Oregon
Brigid Flannery
Specialized Training Program
1235 University of Oregon
Eugene, OR 97403-1235
(541) 346-2496 FAX: (541) 346-5517
E-Mail: brigidf@oregon.uoregon.edu

Rhode Island
Thomas W. Stott
Rhode Island Department of Education
Office of Special Needs
Shepard Building
255 Westminister Street
Providence, RI 02903-3400
(401) 222-4600 ext. 2216 FAX: (401) 222-6168

South Carolina
Joy Godshall
University of South Carolina
School of Medicine
Center for Developmental Disabilities
Columbia, SC 29208
(803) 935-5229 FAX: (803) 935-5059
E-mail: joyg@bellsouth.net

South Dakota
Deborah Barnett
Department of Education and Cultural Affairs
Office of Special Education
700 Governor's Drive
Pierre, SD 57501-2291
(605) 773-3678 FAX: (605) 773-6139

Tennessee
Judy Haston
Tennessee Department of Education
Division of Special Education
5th Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, TN 37243-0380
(615) 741-3775 FAX: (615) 532-9412

Texas
Josephine Feipel
Education Service Center, Region XI
3001 North Freeway
Austin, TX 76106
(817) 740-7528 FAX: (817) 740-3684
E-Mail: JFeipel@esc11.net

Susan Rose
Division of Special Education
Texas Education Agency
1701 North Congress Avenue
Austin, TX 78701
(612) 462-9414 FAX: (512) 463-9560
SRose@tmail.tea.state.tx.us

Utah
Donna Suter
Utah State Office of Education
250 East 500 South
Salt Lake City, UT 84111
(801) 538-7576 FAX: (801) 538-7991
E-Mail: dsuter@usor.k12.ut.us

Vermont
K. Michael Ferguson
Vermont Department of Education
120 State Street
Montpelier, VT 05620
(802) 828-3130 FAX: (802) 828-3140

Virginia
Karen Trump
Virginia Department of Education
Division of Special Education
P.O. Box 2120
Richmond, VA 23218
(804) 225-2702 FAX: (804) 371-8796

Washington
Pat Brown and Cinda Johnson
University of Washington
EEC
P.O. Box 357925
Seattle, WA 98195
(206) 543-4011 FAX: (206) 543-8480
E-mail: pabrown@u.washington.edu (Pat)
cindajoh@u.washington.edu (Cinda)

West Virginia
John Huxley
West Virginia Department of Education
Office of Special Education
1900 East Kanawha Boulevard, Building 6, Room 304
Charleston, WV 25305-0330
(304) 558-2696 FAX: (304) 558-3741

Wisconsin
Steven Gilles
Wisconsin Department of Public Instruction
Special Education Transition and Personnel Preparation
125 South Webster Street
P.O.Box 7841
Madison, WI 53707-7841
(608) 266-1146 FAX: (608) 267-3746
E-mail: gillesj@mail.state.wi.us

Appendix C

SSI Work Incentives Available to Transition-Age Students with Disabilities

- Earned Income Exclusion ()
- Student Earned Income Exclusion (SEIE)
- Impairment-Related Work Expense (IRWE)
- Plan for Achieving Self-Support (PASS)
- Blind Work Expenses (BWE)
- Property Essential to Self-Support (PESS)

The SSI Student Earned Income Exclusion (SEIE) Incentive

The information provided in this appendix was reprinted from "Meeting the Needs of Youth with Disabilities: Handbook on Supplemental Security Income Work Incentives and Transition Students," published October 1998 by the National Transition Network at the Institute on Community Integration (UAP), University of Minnesota.

SSI Work Incentives Available to Transition-Age Students with Disabilities

■ Earned Income Exclusion

The Earned Income Exclusion applies to *all* SSI program recipients, including any student earning wages from a school-sponsored employment program or other employment. Under this exclusion, some earnings each month are not counted toward the specified SSI income limit ($700). For many students with disabilities, the Earned Income Exclusion alone will ensure that most or all SSI benefits are maintained while the student participates in school-sponsored paid employment or other paid work situations.

There are three parts to this exclusion. The first is a general exclusion of $20 of monthly income from any source. The second part is an additional $65 earned monthly income exclusion. The third part is the exclusion of one-half of all earnings above the combined $20 + $65 ($85) monthly as well. That is, for every two dollars earned, one dollar is deducted from SSI's payment

If, for example, an individual is receiving the maximum SSI benefit rate of $500 each month, the individual's monthly earnings from paid employment would have to exceed $1473 before the SSI benefit would cease and the individual would exit the SSI program — *if* no other work incentives apply. This maximum income level would increase if the individual accessed any of the other SSI program work incentives. In addition to the Earned Income Exclusion, transition students receiving SSI benefits may be eligible for and profit from the following work incentives.

Earned Income Exclusion Calculation

$420.00	Gross income *(earned through competitive or supported employment)*
-20.00	General income exclusion *(unearned income, such as bank interest, is deducted from the $20 exclusion)*
400.00	
-65.00	Earned income exclusion
$335.00	
$335.00	Divide this amount by 2
2	1/2 of income is deducted after exclusions
=167.50	**SSI countable income**
$500.00	SSI Federal monthly benefit rate, 1999
-167.50	SSI countable income
332.50	Adjusted SSI payment
+420.00	Earned gross income
$752.50	**Total gross earnings**

■ Student Earned Income Exclusion (SEIE)

Student Earned Income Exclusion (SEIE) allows a person with a disability under age 22 and regularly attending school to exclude up to $400 of earned income per month *before* applying the Earned Income Exclusion. The two exclusions may be used in combination. The maximum annual exclusion is $1620.

For example, a full-time college student with a disability receiving SSI benefits of $500 monthly has the opportunity to earn $500 per month while in school. These earnings may be excluded under SEIE up to the $1,620 yearly maximum. In addition, the student excludes another $85 ($20 general exclusion; $65 earned income exclusion) of monthly earnings, leaving him or her with a countable income of $15.00. **Please note that SEIE must be applied *before* the general and earned income exclu-**

SEIE Calculation

$500.00	Gross income
- 400.00	SEIE
100.00	SSI countable income
-20.00	General income exclusion
-65.00	Earned income exclusion
$ 15.00	**SSI countable income**
$500.00	SSI Federal monthly benefit rate, 1999
-15.00	SSI countable income
485.00	Adjusted SSI payment
+500.00	Earned gross income
$985.00	**Total gross earnings**

sions. SEIE can be used either with or without the earned income exclusion. The student's gross income using SEIE is $485 (SSI) and $500 in earnings, for a total of $985.00.

Students must apply for a SEIE at their local SSA office. The student must submit a statement of school attendance, a statement of employment, and wage receipts periodically. Local SSA office procedures differ slightly as to how often these statements are required. Students should contact their local SSA office for complete details.

■ Impairment-Related Work Expense (IRWE)

The cost of certain impairment-related items and services that a person with a disability needs to work can be deducted from gross earnings through an IRWE incentive. A student requesting an IRWE must verify that the items or expenses incurred are related to his or her disability and necessary for job performance. The student will be asked to submit proof of payment. Impairment-related work expenses are deductible for SSI payment purposes when:

- The expense enables a person to work.
- The person, because of a severe physical or mental impairment, needs the item or service for which the expense is incurred in order to work.
- The cost is paid by the person with a disability and is not reimbursed by another source.
- The expense is "reasonable" – it represents the standard charge for the item or service in the person's community.
- The expense is paid in a month in which earned income is received or work is performed while the person used the impairment-related item or service.

IRWE Calculation

$420.00	Gross earnings
- 85.00	General and earned income exclusions
$355.00	Earned income
-360.00	IRWE exclusion
0.00	**Countable income**
$500.00	SSI benefits
+420.00	Gross earnings
$920.00	Gross income
-360.00	IRWE Expense
$560.00	**Usable gross income**

Individuals with disabilities may rely on IRWE incentives throughout their entire lives. Work-related expenses that are incurred by a student while in secondary school are likely to continue when they exit school. A student applying for an IRWE incentive under the SSI program should contact the local SSA office for specific details and documentation requirements.

■ Plan for Achieving Self-support (PASS)

The Plan for Achieving Self-support (PASS) is a work incentive that allows an individual to set aside income and/or resources for a specified period of time to achieve a work goal. For example, an individual may set aside money for postsecondary education, the purchase of job-coaching support, personal transportation, job-related equipment, or to start a business. The income and/or resources set aside in a PASS do not count in determining SSI benefits. Nor may SSI cash benefits be used to support a PASS. When appropriate, a PASS may be used in conjunction with other SSI work incentives. If a student under age 18 cannot satisfy the SSI income eligibility requirement *only* because his or her parent's income is too high, the student may apply for a PASS incentive through which their parents can set aside enough income to make the student eligible for SSI benefits.

The PASS is similar to the IEP/Transition Plan: It establishes job-related goals and objectives. Because of these similarities, it is possible to incorporate a PASS into the IEP/transition plan. A transition student may benefit from a PASS while in school or upon exiting. The basic requirements for a PASS include:

- A feasible and reasonable occupational goal.
- A defined timetable.
- The need for income or resources, other than SSI benefits, to be set aside.
- An explanation of expenditures to be covered by the set-aside funds.

The PASS should be considered during the IEP/transition development process even if it is not to be used while the individual is still a student. A PASS may be used by any individual participating in SSI at any age. Some students can benefit from a PASS while they are in school, and also after they leave school to further their vocational goal by purchasing additional training or transportation, for example. As part of the transition planning process, the planning team may incorporate the future use of a PASS into the student's IEP/transition plan.

The most likely candidate for a PASS incentive are students who currently are receiving SSI benefits, want to work and have work goals in their IEP, are in school or a training program or plan to complete postsecondary training, or plan to start their own business.

A PASS incentive can be used to support a number of expenses related to employment goals, including:

- Tuition, fees, books, and supplies for school or training programs.
- Supported employment services, including a job coach.
- Attendant care.
- Equipment and tools needed to work.
- Transportation.

PASS Calculation

$658.00	Gross earnings
- 85.00	General and earned income exclusions
$573.00	Divide this amount by 2
/2	
286.50	Total countable income
-244.00	PASS
$42.50	SSI countable income
$500.00	Federal benefit rate (1999)
-42.50	SSI countable income
$457.50	Adjusted SSI benefit rate
+658.00	Gross earnings
-244.00	PASS
$871.50	**Usable gross income**

Income and resources that are set aside in a PASS are excluded under the SSI income and resources tests. Any transition student who receives SSI benefits or could qualify for them, can have a PASS. A student, for example, whose income exceeds SSI requirements, may develop a PASS to maintain his or her SSI eligibility while pursuing work goals.

To receive a PASS an individual must complete a PASS application and submit it to the SSA office. Each PASS is reviewed for approval by the local PASS cadre. This process can take up to three months to complete. Anyone may help a student develop a PASS, including special education teachers and other school personnel, vocational counselors, social workers, employers, and private PASS vendors. A distinct advantage of a PASS is that it allows the student to be proactive in securing necessary training, support, or services to enhance employment opportunities.

■ Blind Work Expenses (BWE)

SSA has special rules for people who are blind, including allowing them to earn a higher income (Substantial Gainful Activity [SGA]) and maintain SSI eligibility. Blindness is defined as central visual acuity of 20/200 or less in the better eye with best correction which has lasted or is expected to last a year or longer. Blind Work Expenses (BWE) is a work incentive that allows a blind person to deduct certain

expenses needed to earn an income from their earned income when determining SSI eligibility and payment amount. For individuals who are blind, the BWE work incentive is more advantageous than the IRWE. Examples of BWE include: guide dog expenses; transportation; federal, state, and local income taxes; social security taxes; attendant care services; visual and sensory aids; translation of materials into braille; professional association fees; and union dues. When developing transition plans for students who are blind, school personnel and parents should contact their regional SSA office to get more specific information on SSA programs and benefits available.

■ Property Essential to Self-Support (PESS)

PESS allows a person to exclude certain resources which are essential to employment for self-support. For example, property which is used in a trade or business or required by a person as an employee is totally excluded when determining resources for SSI eligibility or payment determination. While the PESS may have little application for secondary transition students, it may have utility for some students when they enter the work force. A student, for example, who is trained in carpentry may be required to supply his or her own tools as terms of employment. Under a PESS the value of these tools would not be counted as a resource.

For information on SSI and its work incentives, contact the Social Security Administration, 1-800-772-1213.

The Student Earned Income Exclusion (SEIE)

Debra is a student at Washington High School with mental retardation and a full scale I.Q. of 55. Debra has participated in a variety of community-based activities since she entered the ninth grade at age 15. Ms. Morgan, the transition specialist at Washington High School, discussed the SSI program with Debra's parents at the first IEP/transition planning meeting. At the time the parents' monthly income was too high for Debra to qualify for SSI benefits. Debra's transition plan did include, however, that she would apply for SSI benefits when she turned 18. At this point, her parents' monthly income would no longer be a consideration.

Debra applied for and began to receive SSI benefits when she was 18. Debra, now 19, is entering her last year of high school as she will meet her IEP requirements this school year. During the last IEP/transition meeting Debra expressed her interest in working in food services after graduating from high school. Her last vocational placement was a nonpaid training experience at a local restaurant. Debra, her parents, and members of the team wanted Debra to have the opportunity to work longer hours in a paid employment situation. Debra's plan reflected this goal.

The school's job developer found a position for Debra at Ferguson's restaurant. Debra could initially work 15 hours per week with the possibility of expanding to 20 hours per week. She would be paid minimum wage. Debra was excited about the possibility of working and being paid while taking the remainder of the classes she needed to graduate. She would take classes in the morning and work the lunch-dinner preparation shift at Ferguson's. The school would provide transportation to the restaurant and Debra would ride home with her father who worked nearby.

Effect on Debra's Monthly Income

$315.00	Debra's gross earnings working 15 hours each week at Ferguson's Restaurant
- 315.00	Debra's SEIE
0.00	**SSI countable earned income**
$500.00	Debra's SSI monthly benefit
-0.00	SSI countable income
+ 315.00	Debra's gross monthly earnings
$815.00	**Debra's gross income**

Debra's parents wanted Debra to work, but asked if she would lose her SSI benefits if she were paid. Ms. Morgan was aware that there was a general income exclusion that would apply to Debra's wages. She thought there also was some type of income exclusion because Debra was still a full-time student. She suggested that Debra and her parents contact the local SSA office. The SSA office confirmed that Debra would qualify for a Student Earned Income Exclusion and explained the details, including the reports and documentation that were to be filed. Debra was able to begin work at Ferguson's without losing SSI eligibility and actually increased her monthly income by $315.

The transition team included in Debra's IEP/transition plan that Debra would be responsible for keeping all her pay stubs and reporting her income to the SSA office as required. The plan also established a procedure for Debra and her teacher to review Debra's earnings on a quarterly basis to estimate when or if Debra might reach the $1620 SEIE limit. As part of her plan, Debra, her parents, and school staff were to review Debra's options, including the use of other work incentives when she was no longer a student and could not apply the SEIE.

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